

Meeting	PLANNING COMMITTEE
Time/Day/Date	4.30 pm on Tuesday, 10 March 2015
Location	Council Chamber, Council Offices, Coalville
Officer to contact	Democratic Services (01530 454512)

All persons present are reminded that the meeting may be recorded and by attending this meeting you are giving your consent to being filmed and your image being used. You are kindly requested to make it known to the Chairman if you intend to film or record this meeting.

The Monitoring Officer would like to remind members that when they are considering whether the following items are exempt information under the relevant paragraph under part 1 of Schedule 12A of the Local Government Act 1972 they must have regard to the public interest test. This means that members must consider, for each item, whether the public interest in maintaining the exemption from disclosure outweighs the public interest in making the item available to the public.

AGENDA

Item	Pages
1. APOLOGIES FOR ABSENCE	
2. DECLARATION OF INTERESTS	
Under the Code of Conduct members are reminded that in declaring disclosable interests you should make clear the nature of that interest and whether it is pecuniary or non-pecuniary.	
3. MINUTES	
To confirm and sign the minutes of the meeting held on 3 February 2015.	3 - 10
4. PLANNING APPLICATIONS AND OTHER MATTERS	
Report of the Head of Planning and Regeneration.	11 - 14



Index of Applications to be Considered

Item	Application Number and Details	Recommendation	Page
A1	14/00273/FULM: Erection of 77 dwellings, including vehicular access, pedestrian links, public open space, car parking, landscaping and drainage Land North East Of Atherstone Road Measham Swadlincote Derby DE12 7EL	PERMIT Subject to a Section 106 Agreement	15 - 50
A2	14/00991/FULM: Erection of seventeen affordable dwellings, with access on to Wyggeston Road and North Avenue, associated groundworks and landscaping Land Off North Avenue Coalville Leicestershire LE67 3QX	PERMIT Subject to a Section 106 Agreement	51 - 66
A3	15/00072/OUT: Erection of one dwelling (outline - all matters reserved) Land To The Rear Of The George Inn Bakewell Lane Coleorton Coalville Leicestershire LE67 8HF	REFUSE	67 - 82
A4	14/01111/FUL: Erection of one detached dwelling and creation of new access Site Adjoining Recreation Ground Measham Road Moira Derby	PERMIT Subject to a Section 106 Agreement	83 - 94

MINUTES of a meeting of the PLANNING COMMITTEE held in the Council Chamber, Council Offices, Coalville on TUESDAY, 3 FEBRUARY 2015

Present: Councillor D J Stevenson (Chairman)

Councillors A Bridges (Substitute for Councillor G A Allman), J Bridges, J G Coxon, D Everitt, T Gillard, J Houlton, R Johnson, G Jones, J Legrys, T Neilson, S Sheahan (Substitute for Councillor R Adams), M Specht, L Spence (Substitute for Councillor R Woodward) and M B Wyatt

In Attendance: Councillors R D Bayliss, J Geary, T J Pendleton and A C Saffell

Officers: Mrs V Blane, Mr C Elston, Mrs C Hammond, Mr J Knightley, Mr J Mattley and Mr J Newton

99. APOLOGIES FOR ABSENCE

Apologies were received from Councillors R Adams, G A Allman, D Howe, N Smith and R Woodward.

The Chairman advised Members that Councillor D Howe was unwell and asked that a letter of best wishes be sent to him.

100. DECLARATION OF INTERESTS

In accordance with the Code of Conduct, Members declared the following interests:

Councillors J G Coxon, J Houlton and G Jones declared a disclosable non pecuniary interest in item A1, application number 14/00769/OUTM, as Members of Ashby Town Council.

Councillors J G Coxon, D Everitt, J Houlton, R Johnson, G Jones, J Legrys, T Neilson, S Sheahan, M Specht, L Spence and D J Stevenson declared that they had been lobbied without influence in respect of item A1, application number 14/00796/OUTM.

Councillors T Gillard and M B Wyatt declared that they had been lobbied without influence in respect of items A1 and A2, application numbers 14/00796/OUTM and 14/00802/OUTM.

101. MINUTES

Consideration was given to the minutes of the meeting held on 6 January 2015.

By affirmation of the meeting it was

RESOLVED THAT:

The minutes of the meeting held on 6 January 2015 be approved and signed by the Chairman as a correct record.

102. PLANNING APPLICATIONS AND OTHER MATTERS

Consideration was given to the report of the Head of Planning and Regeneration, as amended by the update sheet circulated at the meeting.

**103. A1
14/00769/OUTM: ERECTION OF UP TO 70 DWELLINGS TOGETHER WITH PUBLIC OPEN SPACE, NATIONAL FOREST PLANTING, LANDSCAPING, DRAINAGE INFRASTRUCTURE AND ACCESS OFF WOODCOCK WAY (OUTLINE - ALL MATTERS RESERVED)**

Land Adjoining Woodcock Way Ashby De La Zouch

Officer's Recommendation: Permit Subject to a Section 106 Agreement

The Principal Planning Officer presented the report to Members.

Councillor R D Bayliss, Ward Member, addressed the meeting. He advised Members that he had no objection to the Money Hill development in principle as it was difficult to find a reason to not develop, however the application before them had issues. He raised concerns over highway access to the site as there was only one and it was already congested. He asked Members to refuse the application on the grounds that the development was unsustainable.

Mrs M Tuckey, on behalf of Ashby Town Council, addressed the meeting. She advised Members that the Town Council had constantly objected to the application when submitted for 30 houses and now objected to 70. She stated that the access at Woodcock Way was too narrow and the surrounding roads were already congested with 15,000 cars a day travelling along them, and that due to all the other developments within the Ashby area schools and medical facilities were at capacity. She urged Members to refuse the application.

Mr M Ball, objector, addressed the meeting. He reminded Members that the Packington Nook Inspector had stated that the SHMA advised that the district had a 5 year plus housing land supply and that there should be no further development outside the limits to development as there were sufficient brownfield sites. He stated that the junction was already at capacity and there had been 20 accidents there also. He added that the application was unacceptable as it was for outline matters and it conflicted with the Money Hill application. He urged Members to refuse the application as it was contrary to policy E6, the NPPF and the Local Plan.

Mr G Lees, agent, addressed the meeting. He advised Members that the development had been designed carefully so that it could either stand alone or become part of a wider development. He informed Members that the application contained 30% affordable housing and that any access concerns that had been raised by the Highways authority had been addressed. He highlighted that the transport plan was now acceptable and that Miller Homes would restrict access to only the 70 homes with bus access to a wider development. He added that the Money Hill consortium had no objections to the development.

Councillor D J Stevenson stated that he agreed with the first three speakers, however the application was for outline with all matters reserved and therefore the committee was unable to consider issues such as highways and design, it was only the principle of development of the land that they could consider.

Councillor M Specht stated that his concerns were around sustainability. He highlighted that the report stated that 2km was an acceptable walking distance from the development, however a later report stated that 800m was an acceptable walking distance. He added that he was not happy with the sustainability and access but understood that this could not be discussed. He moved that the application be deferred until further information could be provided on access and sustainability. This was seconded by Councillor G Jones.

Councillor J G Coxon agreed that the application should be deferred as he felt that Members needed to consider access details. He also felt that the application should not be considered until the outcome of the Money Hill appeal was known. He requested a recorded vote.

Councillor S Sheahan raised concerns about the traffic impact comments from the County highways and that there was no definition of severe in the NPPF.

Councillor J Legrys stated that he would have preferred that the application go to a decision, but took heed of what had been said. He felt that a fresh application would be exactly the same. He raised concerns over the trunk road that was only 8m wide having to incorporate 3 lanes. He praised the driver of the bus that took Members on the site visit for negotiating Woodcock Way.

Councillor J Bridges stated that he did not agree with the application and that Members had a duty to protect the area and a responsibility to consider the impact on Ashby. He raised concerns how the highway access would be controlled, should the application be approved.

The Head of Planning and Regeneration advised Members that as the application was for outline only, a further application for reserved matters to provide details of the access arrangements, would need to be submitted which the committee could call in should they wish to.

Councillor J Bridges raised concerns that if the application was granted the Council would not have control over a master plan.

Councillor G Jones congratulated the speakers and stated that he supported the recommendation to defer as the application could not be considered without all the information.

The Head of Planning and Regeneration responded to the points that had been made by Members. He advised that:

- Leicestershire County Council was the Highways authority and therefore refusal on highways grounds would not be defensible
- The report outlined the proposed Section 106 contributions of £456,882.68 to schools and £23,331.83 to the NHS.
- The Council would be able to control the access rights to a wider development on Money Hill.
- Just because the SHMA stated the authority had a 5 year land supply, it did not mean that the authority should not permit any further development within the district.
- Highways were content that with the access off Woodcock Way and that it would not prejudice a wider scheme.
- Reassurance was provided that the development was deliverable in a sustainable way.

The Chairman then put the motion to defer the application to the vote.

A recorded vote having been requested, the voting was as follows:

For the motion:

Councillors A Bridges, J G Coxon, D Everitt, J Hault, R Johnson, G Jones, J Legrys, T Neilson, S Sheahan, M Specht and D J Stevenson(11).

Against the motion:

Councillors J Bridges, T Gillard, L Spence and M B Wyatt(4).

Abstentions:
None(0).

RESOLVED THAT:

The application be deferred to allow further information on access and sustainability to be provided, and the outcome of the Money Hill appeal to be known.

104. A2
14/00802/OUTM: ERECTION OF 36 DWELLINGS, FORMATION OF ACCESS AND PROVISION OF OPEN SPACE (OUTLINE - ALL MATTERS OTHER THAN PART ACCESS RESERVED)

Land At Acresford Road Donisthorpe Swadlincote

Officer's Recommendation: Permit

The Senior Planning Officer presented the report to Members.

Ms C Chave, agent, addressed the meeting. She advised Members that a public consultation had been carried out and all comments had been taken into account. She stated that there was demand for more choice and this would help to sustain new businesses and provide new patronage to them. She informed Members that the developers had worked closely with planning officers and that the traffic calming measures would slow traffic down sooner before entering the village. She urged Members to support the recommendations.

Councillor S Sheahan stated that if the application was approved, highways improvements were essential and he sought clarification on what the suggested traffic calming measures were. He requested that the village sign on the entrance to Donisthorpe was moved should the application be permitted. He also highlighted that residents had raised concerns over drainage and sewage issues.

The Senior Planning Officer advised Members that it was planned to put raised tables at the access point and that a note could be added to the applicant about moving the village sign. He went on to inform Members that there had been no objections from either the Environment Agency or Severn Trent Water subject to the inclusion of the relevant conditions.

Councillor M Specht congratulated the officer on the report and stated that he felt the development would help to retain services such as the hourly bus service.

The Officer recommendation was moved by Councillor J Legrys, seconded by Councillor G Jones and

RESOLVED THAT:

The application be permitted in accordance with the recommendation of the Head of Planning and Regeneration.

105. A3
14/00967/FULM: PERMANENT CHANGE OF USE OF CAR PARK LAND TO THE SALE OF PLANT AND MACHINERY BY AUCTION WITH UP TO 5 AUCTIONS PER ANNUM
Donington Park Race Circuit Donington Park Castle Donington

Officer's Recommendation: Permit subject to a Section 106 Agreement

The Principal Planning Officer presented the report to Members.

Councillor A C Saffell, Ward Member, addressed the meeting. He reminded Members that the previous application had only been permitted on a temporary basis to assist with the financial issues and that now the track had extra race days, Moto GP and Formula E, the auction days should not be required. He stated that the application should not be permitted as policy L20 did not apply and that the yellow and orange would be visible. He informed Members that they had been told that the community would see significant benefits from the auctions, but nobody in the area ever knew when the auctions were taking place. He asked Members to refuse the application.

Mr C Tate, applicant, addressed the meeting. He advised Members that the organisers of the auctions had chosen Donington Park due to the good transport links and the available hard standing. He informed Members that the delivery and removal of the goods had very little impact on the community as all the HGV drivers were briefed on routes and speed limits, that visitors to the auctions spent money in the area and that as a race circuit alone, Donington would not be viable, but the estate as a whole could be. He added that the auctions allowed jobs to be created, it was a diverse use of the site and he urged Members to support the application.

Councillor D J Stevenson stated that he had been suspicious when the original application was submitted but he was aware that not one complaint had been recorded by Planning or Environmental Health in relation to the auctions. He added that on race days there were brightly coloured plant vehicles, lorries and motor homes as far as the eye could see.

Councillor J Bridges agreed with Councillor D J Stevenson. He added that it was good to see a company with more than just one string to its bow and that the Council needed to back the application 100%.

Councillor M Specht queried the size of the storage area, should it read 0.2ha or was 2.2 ha correct, and sought clarification on what would be stored there.

The Principal Planning Officer stated that the storage area would be 2.2ha in size, which was almost 50% of the site and it would be used to store plant and machinery similar to what was to be sold. He advised Members that it was proposed to include a condition stating there would height limitation of 7m for non auction days and 18m on sale days.

Councillor J Legrys stated that he welcomed the application but felt that Members should have been given the opportunity to visit the site when the activities were taking place. He added that it was good diversification which created jobs.

The Officer recommendation was moved by Councillor J G Coxon, seconded by Councillor L Spence and

RESOLVED THAT:

The application be permitted in accordance with the recommendation of the Head of Planning and Regeneration.

106. A4**14/00519/FUL: ERECTION OF TIMBER FRAMED COMMERCIAL GROWING HOUSE (GREENHOUSE), A BUILDING CONTAINING BARN, STABLING AND CAR PORT FOR ASSOCIATED SMALLHOLDING USE, SINGLE STOREY GARDEN ROOM AND BALCONY TO DWELLING, CHANGE OF USE TO RESIDENTIAL CURTILAGE INCLUDING LANDSCAPING WORKS AND REALIGNMENT OF EXISTING DRIVEWAY.**

Dishley Farm Main Street Swebstone

Officer's Recommendation: Permit

The Planning and Development Team Manager presented the report to Members.

Mrs Carter, on behalf of Mr Carter, objector, addressed the meeting. She informed Members that their family had lived in the application property and farmed the land for years and now resided in another property on land adjacent to the site and to which they shared an access with the applicant. She raised concerns that the application was contrary to policy S3 as the activities on the site were not classed as agricultural and the new buildings were more for the family needs than that of a business. She expressed concern that there was no assessment to prove the development was essential and that the existing steel building could be upgraded as it had comfortably housed cows and tractors in the past.

Mr T Redfern, agent, addressed the meeting. He highlighted to Members that there were no concerns from the officers or objections from statutory consultees. He advised that the site was a small holding that sold surplus vegetables and meat to the local pub and butchers. He added that surplus produce was also donated to a local school. He stated that the applicants should be given credit for wanting to make a dilapidated barn fit for purpose in line with DEFRA regulations and designing a development to meet the needs of the family and an efficient small holding. He added that the application was part of an ongoing project and urged Members to support the recommendation.

Councillor D Everitt stated that he supported the application and that it had to be accepted that the world moves on and things change.

Councillor J Legrys expressed that he felt inspired by the application and that he supported local produce being sold to local businesses.

The Officer recommendation was moved by Councillor D J Stevenson, seconded by Councillor J Bridges and

RESOLVED THAT:

The application be permitted in accordance to the recommendations of the Head of Planning and Regeneration.

107. A5**14/01073/FUL: ERECTION OF TWO-STOREY DETACHED DWELLING WITH DETACHED GARAGE**

28 Elder Lane Griffydham Coalville

Officer's Recommendation: Permit

The Planning and Development Team Manager presented the report to Members.

Mr A Large, agent, addressed the meeting. He advised Members that the house would be occupied by the applicants and would allow their daughter and her family to move into the existing property. He added that the application met local need and would be sustainable.

The Officer recommendation was moved by Councillor J Legrys, seconded by Councillor G Jones and

RESOLVED THAT:

The application be permitted in accordance with the recommendation of the Head of Planning and Regeneration.

**108. A6
14/01082/FUL: CHANGE OF USE OF AGRICULTURAL BARN TO COMMERCIAL USE
TO INCLUDE B2 AND B8 USE AND ASSOCIATED PARKING/SERVICE AREA. (RE-
SUBMISSION OF 11/00748/FUL)**

Cattle Shed South Of Service Station Atherstone Road

Officer's Recommendation: Permit

The Planning and Development Team Manager presented the report to Members.

The Officer recommendation was moved by Councillor G Jones, seconded by Councillor J G Coxon and

RESOLVED THAT:

The application be permitted in accordance with the recommendation of the Head of Planning and Regeneration

**109. TO CONSIDER THE MAKING OF A TREE PRESERVATION ORDER AT 73 PARK
LANE, CASTLE DONINGTON**

The Principal Planning Officer presented the report to Members.

It was moved by Councillor D J Stevenson, seconded by Councillor L Spence and

RESOLVED THAT:

The Tree Preservation Order be confirmed.

The meeting commenced at 4.30 pm

The Chairman closed the meeting at 6.00 pm

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APPENDIX B

**Report of the Head of Planning and Regeneration
To
Planning Committee**

10 March 2015

PLANNING & DEVELOPMENT REPORT



PLANNING COMMITTEE FRONT SHEET

1. Background Papers

For the purposes of Section 100(d) of the Local Government (Access to information Act) 1985 all consultation replies listed in this report along with the application documents and any accompanying letters or reports submitted by the applicant, constitute Background Papers which are available for inspection, unless such documents contain Exempt Information as defined in the act.

2. Late Information: Updates

Any information relevant to the determination of any application presented for determination in this Report, which is not available at the time of printing, will be reported in summarised form on the 'UPDATE SHEET' which will be distributed at the meeting. Any documents distributed at the meeting will be made available for inspection. Where there are any changes to draft conditions or a s106 TCPA 1990 obligation proposed in the update sheet these will be deemed to be incorporated in the proposed recommendation.

3. Expiry of Representation Periods

In cases where recommendations are headed "Subject to no contrary representations being received by [date]" decision notices will not be issued where representations are received within the specified time period which, in the opinion of the Head of Planning and Regeneration are material planning considerations and relate to matters not previously raised.

4. Reasons for Grant

Where the Head of Planning and Regeneration report recommends a grant of planning permission and a resolution to grant permission is made, the summary grounds for approval and summary of policies and proposals in the development plan are approved as set out in the report. Where the Planning Committee are of a different view they may resolve to add or amend the reasons or substitute their own reasons. If such a resolution is made the Chair of the Planning Committee will invite the planning officer and legal advisor to advise on the amended proposals before the a resolution is finalised and voted on. The reasons shall be minuted, and the wording of the reasons, any relevant summary policies and proposals, any amended or additional conditions and/or the wording of such conditions, and the decision notice, is delegated to the Head of Planning and Regeneration.

5. Granting permission contrary to Officer Recommendation

Where the Head of Planning and Regeneration report recommends refusal, and the Planning Committee are considering granting planning permission, the summary reasons for granting planning permission, a summary of the relevant policies and proposals, and whether the permission should be subject to conditions and/or an obligation under S106 of the TCPA 1990 must also be determined; Members will consider the recommended reasons for refusal, and then the summary reasons for granting the permission. The Chair will invite a Planning Officer to advise on the reasons and the other matters. An adjournment of the meeting may be necessary for the Planning Officer and legal Advisor to consider the advice required

If The Planning Officer is unable to advise at Members at that meeting, he may recommend the item is deferred until further information or advice is available. This is likely if there are technical objections, eg. from the Highways Authority, Severn Trent, the Environment Agency, or other Statutory consultees.

If the summary grounds for approval and the relevant policies and proposals are approved by resolution of Planning Committee, the wording of the decision notice, and conditions and the Heads of Terms of any S106 obligation, is delegated to the Head of Planning and Regeneration.

6 Refusal contrary to officer recommendation

Where members are minded to decide to refuse an application contrary to the recommendation printed in the report, or to include additional reasons for refusal where the recommendation is to refuse, the Chair will invite the Planning Officer to advise on the proposed reasons and the prospects of successfully defending the decision on Appeal, including the possibility of an award of costs. This is in accordance with the Local Planning Code of Conduct. The wording of the reasons or additional reasons for refusal, and the decision notice as the case is delegated to the Head of Planning and Regeneration.

7 Delegation of wording of Conditions

A Draft of the proposed conditions, and the reasons for the conditions, are included in the report. The final wording of the conditions, or any new or amended conditions, is delegated to the Head of Planning and Regeneration.

8. Decisions on Items of the Head of Planning and Regeneration

The Chairman will call each item in the report. No vote will be taken at that stage unless a proposition is put to alter or amend the printed recommendation. Where a proposition is put and a vote taken the item will be decided in accordance with that vote. In the case of a tie where no casting vote is exercised the item will be regarded as undetermined.

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Erection of 77 dwellings, including vehicular access,
pedestrian links, public open space, car parking, landscaping
and drainage

Report Item No
A1

Land North East Of Atherstone Road Measham Swadlincote
Derby DE12 7EL

Application Reference
14/00273/FULM

Applicant:

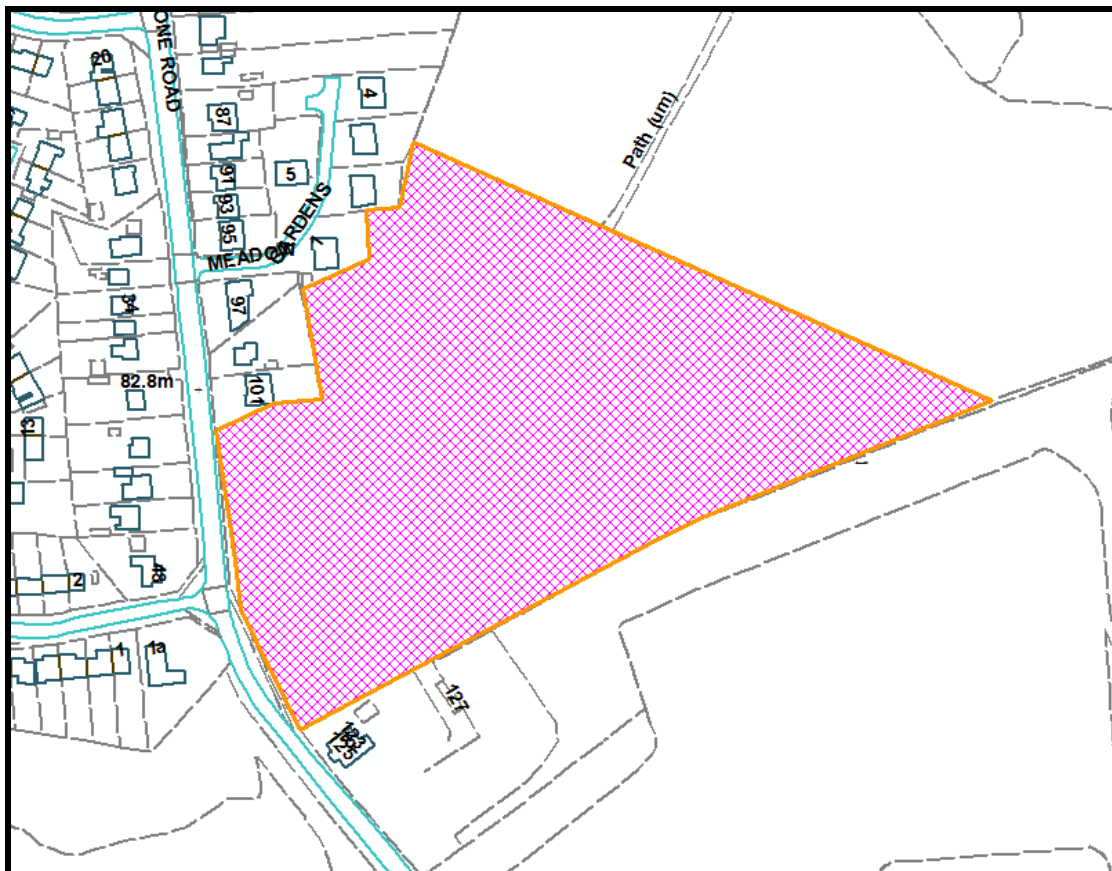
Date Registered
25 April 2014

Case Officer:
James Knightley

Target Decision Date
25 July 2014

Recommendation:
PERMIT Subject to a Section 106 Agreement

Site Location - Plan for indicative purposes only



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Executive Summary of Proposals and Recommendation

Proposal

This application seeks full planning permission for residential development of 77 dwellings and associated works.

Consultations

Members will see from the main report below that objections have been received in respect of the proposals, and including from Measham Parish Council.

Planning Policy

The application site lies outside Limits to Development as defined in the adopted North West Leicestershire Local Plan. Also material to the determination of the application, however, is the supply of housing in the context of the National Planning Policy Framework (NPPF).

Conclusion

The report below indicates that, whilst the site is a greenfield site outside Limits to Development, having regard to the site's general suitability for housing (including its proximity to the built up area of Measham) and the need to demonstrate and maintain a five year supply of housing land within the District, release of the site for residential development would be appropriate in principle. The proposed development would, it is considered, be able to be undertaken in a manner acceptable in terms of amenity, design and access issues; there are no other technical issues that would indicate that planning permission should not be granted, and appropriate contributions to infrastructure would also be made so as to mitigate the impacts of the proposals on local facilities.

RECOMMENDATION:-

PERMIT, SUBJECT TO SECTION 106 OBLIGATIONS, AND SUBJECT TO THE IMPOSITION OF CONDITIONS

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies and the Officer's assessment, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. Proposals and Background

This is a full planning application for residential development of a site of approximately 3.2 hectares for 77 dwellings on land to the east of Atherstone Road, Measham.

In addition to the proposed dwellings, the submitted scheme would provide for a new vehicular access to Atherstone Road, and would include, to the site frontage, an area of public open space / children's play, proposed and retained tree planting / landscaping and surface water attenuation facilities.

The site is currently vacant agricultural land / scrub, and is bounded by further agricultural land, a brickworks, and residential curtilage. The site was formerly used as part of a nurseries, much of which was subsequently redeveloped for housing (now Meadow Gardens, to the north of the application site).

The proposed vehicular access would be in the form of a new priority access to Atherstone Road, having been amended from a mini-roundabout serving the site (as well as Byron Crescent to the opposite side of Atherstone Road) during the course of the application's consideration, the roundabout access option not being pursued given the need to fell a tree on the site frontage in order to accommodate that junction. The site is also crossed by a public right of way.

2. Publicity

43 No neighbours have been notified (Date of last notification 26 February 2015)

Site Notice displayed 12 May 2014

Press Notice published 21 May 2014

3. Consultations

Measham Parish Council consulted 28 April 2014

County Highway Authority consulted 1 May 2014

Environment Agency consulted 1 May 2014

Severn Trent Water Limited consulted 1 May 2014

Head of Environmental Protection consulted 1 May 2014

Natural England consulted 1 May 2014

NWLDC Tree Officer consulted 11 September 2014

County Highway Authority consulted 12 November 2014

Environment Agency consulted 11 September 2014

County Planning Authority consulted 11 September 2014

County Archaeologist consulted 1 May 2014

LCC ecology consulted 1 May 2014

NWLDC Urban Designer consulted 1 May 2014

County Planning Authority consulted 1 May 2014

LCC Development Contributions consulted 1 May 2014

NHS Leicester, Leicestershire And Rutland Facilities Managme consulted 1 May 2014

Head Of Leisure And Culture consulted 1 May 2014

Manager Of Housing North West Leicestershire District Council consulted 1 May 2014

Police Architectural Liaison Officer consulted 1 May 2014

LCC/Footpaths consulted 1 May 2014

4. Summary of Representations Received

Environment Agency has no objections subject to conditions

Leicester-Shire and Rutland Sport requests a developer contribution of £74,057 in respect of sport facilities

Leicestershire County Council Local Education Authority requests developer contributions of £355,445.88 in respect of additional provision in the primary, high and upper school sectors

Leicestershire County Council Library Services Development Manager requests a developer contribution of £2,290 in respect of library facilities

Leicestershire County Council Waste Management Authority advises that no developer contributions are required in respect of civic amenity waste facilities

Leicestershire County Council Landscape Officer has no requirements in respect of developer contributions

Leicestershire County Council Ecologist has no objections subject to conditions (and subject to the retention of the tree adjacent to the proposed site access)

Leicestershire County Council Highway Authority has no objections subject to conditions and Section 106 obligations

Leicestershire County Council Mineral Planning Authority has no objections subject to the Local Planning Authority being satisfied that the approved working of sandstone reserves on adjacent land can be undertaken without adverse amenity impacts on new residents

Leicestershire County Council Rights of Way Officer has no objections subject to conditions requiring the retention of the existing route of public footpath P86 but advises that, if this was not practicable, the developers would need to make an application for its diversion

Leicestershire Police requests a developer contribution of £32,074 in respect of policing, and objects to the application in the absence of such a contribution within the applicants' Section 106 draft heads of terms

Measham Parish Council objects on the grounds that the site is outside Limits to Development and that the proposals would be contrary to Local Plan Policy M2

National Forest Company considers that a contribution towards National Forest planting is required, either on-site or in the form of a commuted sum of £12,600

Natural England has no objections subject to conditions

NHS England (Leicestershire and Lincolnshire Area) requests a healthcare contribution of £36,673.20

North West Leicestershire District Council Environmental Health has no objections subject

to conditions

North West Leicestershire District Council Cultural Services Officer advises that, if the right of way crossing the site were to deviate from its definitive map line, an application to divert it will be required

North West Leicestershire District Council Waste Services Officer advises that, having regard to proposed access road widths and means of surfacing, refuse and recycling receptacles will need to be presented at collection points adjacent to the adoptable highways

Severn Trent Water has no objections subject to conditions

Third Party Representations

43 representations have been received, objecting on the following grounds:

- Proposed access should be amended so as to ensure retention of tree(s) on the site frontage
- Tree(s) should be protected by a Tree Preservation Order
- Adverse impact on ecology / protected species / River Mease
- Insufficient notification of the application
- Insufficient infrastructure capacity (including in respect of drainage, healthcare, education and roads / traffic)
- Proposed public open space too small
- Unsafe vehicular access
- Loss of green / open space
- Loss of greenfield / agricultural land
- Increased anti-social behaviour
- Impact on public footpath
- Contrary to Local Plan policy
- Loss of view
- Flood risk
- Development not required
- Site should be compulsorily purchased for tree planting
- Noise from brickworks site
- Adjacent site has permission for mineral extraction
- Concern over applicants' proposed culvert works on third party land

Two representations have been received, supporting the application on the following grounds:

- Improved access to public right of way not currently always accessible due to farming activities
- Additional housing required to accommodate increased population
- Many objections made by residents on the existing Poets Corner estate which was itself the subject of many objections when first built - infrastructure also had to be increased to accommodate that development at the time

5. Relevant Planning Policy

National Policies

National Planning Policy Framework

The NPPF (Paragraph 215) indicates that due weight should be given to relevant policies in existing development plans adopted before 2004 according to their degree of consistency with

the Framework. The closer the policies in the development plan to the policies in the Framework, the greater weight they may be given.

Save where stated otherwise, the policies of the North West Leicestershire Local Plan as listed in the relevant section below are consistent with the policies in the NPPF and, save where indicated otherwise within the assessment below, should be afforded weight in the determination of this application.

The following sections of the NPPF are considered relevant to the determination of this application:

Paragraph 14 (Presumption in favour of sustainable development)
Paragraph 17 (Core planning principles)
Paragraph 32 (Promoting sustainable transport)
Paragraph 34 (Promoting sustainable transport)
Paragraph 47 (Delivering a wide choice of high quality homes)
Paragraph 49 (Delivering a wide choice of high quality homes)
Paragraph 57 (Requiring good design)
Paragraph 59 (Requiring good design)
Paragraph 61 (Requiring good design)
Paragraph 100 (Meeting the challenge of climate change, flooding and coastal change)
Paragraph 101 (Meeting the challenge of climate change, flooding and coastal change)
Paragraph 112 (Conserving and enhancing the natural environment)
Paragraph 118 (Conserving and enhancing the natural environment)
Paragraph 123 (Conserving and enhancing the natural environment)
Paragraph 173 (Ensuring viability and delivery)
Paragraph 203 (Planning conditions and obligations)
Paragraph 204 (Planning conditions and obligations)

Adopted North West Leicestershire Local Plan (2002)

The application site is outside Limits to Development as defined in the adopted North West Leicestershire Local Plan.

Policy S3 - Countryside
Policy E2 - Landscaped Amenity Open Space
Policy E3 - Residential Amenities
Policy E4 - Design
Policy E6 - Comprehensive Development
Policy E7 - Landscaping
Policy E8 - Crime Prevention
Policy F1 - National Forest General Policy
Policy T3 - Highway Standards
Policy T8 - Parking
Policy H4/1 - Housing Land Release
Policy H6 - Housing Density
Policy H7 - Housing Design
Policy H8 - Affordable Housing
Policy L21 - Children's Play Areas
Policy L22 - Formal Recreation Provision
Policy M2 - Redevelopment Potential

Other Policies

North West Leicestershire District Council Affordable Housing SPD

Key Principle AH2 provides that affordable housing will be sought on all sites of 5 or more dwellings in areas outside of Greater Coalville, Ashby de la Zouch and Castle Donington.

Key Principle AH3 requires a minimum of 30% of residential units to be available as affordable housing within Measham.

North West Leicestershire District Council Play Area Design Guidance SPG

The District Council's Play Area Design Guidance SPG sets out the relevant requirements in respect of children's play provision required in association with residential development.

Leicestershire Minerals Development Framework Core Strategy and Development Control Policies

Policy MDC8 provides that planning permission will not be granted for any form of development within a Mineral Safeguarding Area that is incompatible with safeguarding the mineral unless (i) the applicant can demonstrate to the satisfaction of the Local Planning Authority that the mineral concerned is no longer of any value or potential value; (ii) the mineral can be extracted satisfactorily prior to the incompatible development taking place; (iii) the incompatible development is of a temporary nature and can be completed and the site restored to a condition that does not inhibit extraction within the timescale that the mineral is likely to be needed; (iv) there is an overriding need for the incompatible development; or (v) it constitutes "exempt development" (e.g. householder development, development already allocated in a statutory plan or infilling in existing built up areas).

6Cs Design Guide (Leicestershire County Council)

The 6Cs Design Guide sets out the County Highway Authority's requirements in respect of the design and layout of new development.

6. Assessment

Principle of Development

Insofar as the principle of development is concerned, and in accordance with the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for the determination of the application is the Development Plan which, in this instance, includes the adopted North West Leicestershire Local Plan (2002 (as amended)).

In terms of the adopted North West Leicestershire Local Plan, the site is outside Limits to Development. Policy S3 sets out the circumstances in which development will be permitted outside Limits to Development; the development proposed would not meet the criteria for development in the countryside, and approval would therefore be contrary to the provisions of Policy S3. Notwithstanding the countryside location, and whilst the proposals would be contrary to the adopted Development Plan, in determining the application, regard must be had to other material considerations, including other policies, such as other Development Plan policies and National policies.

Housing Land Supply and Limits to Development

The NPPF requires that the Council should be able to identify a five year supply of housing land with an additional buffer of 5% or 20% depending on its previous record of housing delivery.

In terms of the minimum amount of housing required to be provided within the District as a whole, a Strategic Housing Market Assessment (SHMA) undertaken on behalf of all of the Leicestershire local planning authorities has provided the District Council with an up-to-date objectively assessed annual housing requirement, equating to 350 dwellings per annum. The approach used in the SHMA to establishing this Objectively Assessed Need (OAN) was supported by the Inspector who determined the appeal in respect of a site at Lower Packington Road, Ashby de la Zouch, issued in October 2014 and, based on the findings of the Inspector regarding the appropriate method of calculating supply, the District Council's latest housing supply trajectory indicates that, using the approach of the above annualised requirement with a 20% buffer, the District is currently able to demonstrate a supply of 6.08 years. This figure, in accordance with the views of the Inspector who determined the Lower Packington Road appeal, includes anticipated contributions within the five year period from applications where an application has been resolved to be permitted but where the planning permission has not as yet been issued (e.g. where they are awaiting completion of Section 106 agreements); the equivalent figure when discounting such applications would be 4.60 years.

Having regard to the above and to the approach set out in Paragraph 49 of the NPPF, Local Plan Policy S3 is considered to be up-to-date in the context of Paragraph 49. However, given that the Limits to Development as defined in the adopted Local Plan were drawn having regard to housing requirements only up until the end of that Plan Period (i.e. to 2006), this needs to be taken into account when considering the weight to be applied to any conflict with this policy.

In addition, notwithstanding the principles contained in Paragraph 17 of the NPPF which highlights the need to recognise the intrinsic character and beauty of the countryside, the NPPF's provisions do not specifically seek to preclude development within the countryside, and consideration must therefore be given to whether the proposals constitute sustainable development (including in its economic, social and environmental roles) given the presumption in favour of such as set out in the NPPF. Further consideration of the proposals' compliance with the three dimensions of sustainable development is set out in more detail in this report.

Policy H4/1 of the Local Plan relating to the release of land for housing states that a sequential approach should be adopted. Whilst a sequential approach is outdated in the context of the NPPF, the sustainability credentials of the scheme would still need to be assessed against the NPPF.

The concept of new development being directed to locations that minimise reliance on the private motorcar is contained within the NPPF. The settlement of Measham benefits from a range of local services and is readily accessible via public transport and, in general, is considered to be an appropriate settlement for new residential development and, as a settlement, would score well against the sustainability advice in the NPPF.

Insofar as the site itself is concerned, and whilst it is located outside Limits to Development, it is well related to the existing built up area of Measham. In terms of accessibility, it is noted that the site is within close proximity of Measham which includes a reasonable range of services. The site is approximately 900m from the village centre (being the closest point of the Local Centre as defined in the adopted Local Plan) when taking the shortest walking route (i.e. via the existing right of way and Horses Lane); the shortest route currently available to all users and in

all weathers would be via Atherstone Road and High Street, with the closest point within the Local Centre being approximately 1km from the site access. The nearest bus services are available at stops approximately 800m from the site.

In this regard the proposed development is not dissimilar where, in the context of the Local Planning Authority demonstrating that it had a five year supply of housing, the Inspector dismissed the appeal on the Lower Packington Road site which was approximately 1km from the town centre. In the case of the Lower Packington Road appeal, bus stops were located closer to the site than in this case, although it is noted that, in this instance, employment sites are closer than they were to the Ashby de la Zouch site. Clearly, each application must be determined on its merits, and it is accepted that, in other aspects, the currently proposed development performs better than the Lower Packington Road scheme, and a view must be reached as to whether, overall, the development can be considered sustainable in NPPF terms. It is also noted that, unlike the Lower Packington Road site, there are other facilities closer to the site than those within the village centre (including a convenience store at Fenton Crescent, approximately 250m from the application site). In addition to this, and as set out in more detail under Means of Access and Transportation below, it is noted that the County Highway Authority considers that improvement of the existing public right of way connecting the site with Horses Lane would provide a number of accessibility benefits and, whilst the proposals are considered to remain finely balanced in this regard, the view is taken that, if these improvements are secured, the site would, overall, be sufficiently accessible.

In terms of the site's greenfield status, it is accepted that the site does not perform well. However, this issue needs to be considered in the context of the need to demonstrate and maintain a five year housing land supply in the District, and the need for sites to be released to meet this need. Given the need to provide significant areas of housing land as set out below, it is considered inevitable that greenfield land will need to be released in order to maintain a five year supply of deliverable sites, as well as (as in this case) land not allocated for housing development in the adopted Local Plan.

In addition, the NPPF's provisions do not specifically seek to preclude development within the countryside, and consideration must therefore be given to whether the proposals constitute sustainable development (including in its economic, social and environmental roles) given the presumption in favour of such as set out in the NPPF.

Having regard to the three dimensions of sustainable development, it is accepted that the contribution to the economic growth associated with the proposed development would ensure that the scheme would sit well in terms of the economic dimension; the role played by the proposed development in contributing to housing land supply (and including affordable housing) and its inclusion of appropriate contributions to local services as detailed below would be positive aspects in terms of the social dimension. Insofar as the environmental role is concerned, whilst the proposed development would result in the development of land outside of the defined Limits to Development, as set out in more detail below, the proposed development would not result in any unacceptable impacts on the natural, built or historic environment and, by virtue of its location, close to the existing built up area and associated services, would perform reasonably well in terms of need to travel and the movement towards a low carbon economy, notwithstanding its distance from public transport services.

Local Plan Policy M2

Whilst lying outside of Limits to Development as defined the adopted North West Leicestershire Local Plan, the site is also part of a larger area designated under Local Plan Policy M2, that

wider designation including the adjacent brickworks and agricultural land to the north east and south east respectively. This policy provides that redevelopment of the sites of the brick and pipe manufacturing works identified under the policy will be permitted where it is subject to a comprehensive assessment to determine the extent, form and type of redevelopment, is satisfactory in terms of vehicular access arrangements and its impact on the local and wider road network, is satisfactory in terms of its effect on the amenities enjoyed by the occupiers of adjacent residential properties, and incorporates substantial National Forest planting. The issues relating to this policy are considered in more detail under the section relating to the brickworks and mineral related issues below.

Conclusions in respect of the Principle of Development and Planning Policy

The site is outside Limits to Development as defined in the adopted North West Leicestershire Local Plan. However, given the overall conclusions in respect of whether the site constitutes sustainable development in NPPF terms, and given the need to maintain a five year supply of housing, it is considered that release of the site would nevertheless remain appropriate. Having regard to all of the above, therefore, it is considered, overall, that the proposed development of the site is acceptable in principle.

Detailed Issues

In addition to the issues of the principle of development, consideration of other issues relevant to the application is set out in more detail below.

Landscape and Visual Impact

The application is accompanied by a Landscape Review document which considers the site's context in relation to surrounding development / landscape. The Landscape Review suggests that the low-lying nature of the site, combined with what it describes as the established framework of settlement, landscaping and industry, result in a contained visual setting that shares a close relationship with the settlement and limited visual relationship with the wider landscape setting. The applicants' landscape consultants consider that the proposed development would not introduce a discordant element into this landscape setting and would therefore be unlikely to result in any significant harm to the visual character and appearance of the settlement and wider landscape setting. Whilst the Landscape Review accepts that the proposals would result in changes to the visual amenity of the properties surrounding the site, and to the setting of the public right of way crossing the site (as discussed in more detail under Means of Access and Transportation below), these effects would, the review suggests, only be of significance at a site level, and should not represent a significant constraint to the development of the site.

The applicants' assessment in this regard is accepted in that, whilst the development would clearly fundamentally change the characteristics of the site itself (and, in particular, its amenity value for users of the right of way), and would extend the existing continuously built up area of the settlement further south along Atherstone Road, given the topography of the area, wider visual and landscape impacts would be unlikely.

Insofar as the implications on existing vegetation are concerned, it is noted that hedgerows and trees surround much of the site but are, generally, located to the site periphery. The application is supported by an Arboricultural Assessment considering the existing trees and hedgerows, and the implications of the proposed development on them.

On the basis of the layout proposed, a number of trees would be removed to facilitate the scheme and, in particular, four crack willow trees to the south eastern site boundary; whilst it could, technically, be possible to retain these trees with the development, some of the proposed dwellings to this area are shown as having relatively short rear gardens (as short as 7m (approx) in places), and retention of the trees in conjunction with gardens of this size would be unlikely to be compatible in terms of future amenity impacts to occupiers of the new dwellings. Whilst there appears to be no reason why an alternative layout could not be devised so as to ensure their retention (although there could be implications on the number of dwellings provided on the site as a result), it is accepted that the trees to be removed fall within retention Category C (low quality) and, as such, their removal would not be unacceptable in any event. No other individual trees or groups of trees of higher than Category C are proposed to be removed. Insofar as hedgerows are concerned, the existing hedgerows fronting Atherstone Road are classified within the Arboricultural Assessment as falling within Category B (moderate quality), and a small section (15m approx) would need to be removed so as to form the widened site access; this loss would not, however, be considered unacceptable.

Also of relevance are two English oak trees to the Atherstone Road site frontage; as set out in more detail under Means of Access and Transportation below, it had originally been proposed to remove one of these trees to enable the formation of a mini-roundabout at the site access, but this is no longer the case, and these trees would be retained in situ. In addition, since the time that the application was submitted, these trees have been made the subject of a Tree Preservation Order (T439) (currently awaiting formal confirmation).

Overall, in respect of issues relating to Landscape and Visual Impact, therefore, the view is taken that the proposals are acceptable.

Means of Access and Transportation

As set out above, the application proposes the provision of vehicular access via a new priority access to Atherstone Road. The submitted layout also shows a pedestrian link to the land to the north east (i.e. the route of the existing public right of way), as well as a potential link to the land to the south east (i.e. the existing brickworks site).

The application is accompanied by a Transport Statement. This indicates that, in the applicants' consultants' opinion, the proposed development is within walking distance of Measham village centre, close to various local amenities, employment opportunities, schools and other facilities. The Transport Statement also notes that there are footways along the site frontage on Atherstone Road that are part of a wider network that provide access to destinations in all directions, and that the public footpath running through the site provides a short route to Horses Lane and from there to facilities in the village centre. For its part, the County Highway Authority notes the level of services accessible to the site and, whilst it expresses concern in that the nearest bus services would, at 800m, be more distant than the recommended maximum of 400m as set out in the 6Cs Design Guide and in national guidance, the County Highway Authority considers that the *"wide variety of shops, schools and other services within a reasonable walking distance is, on balance, sufficient in the view of the highway authority to make the site sustainable in transport terms, provided a suitable upgrade to [public right of way] P86 is provided"*. In particular, the County Highway Authority notes that use of the right of way provides for, not only a slightly reduced distance to the town centre, but also significantly shorter walking distances to both the Church of England and Roman Catholic primary schools. In order to ensure that these links are available in all conditions, the County Highway Authority requests that the right of way be upgraded to provide a 2m wide tarmac surface with lighting. Further

assessment of the impacts of this is set out below.

Subject to these mitigation measures being provided, it is considered that the development would provide for an acceptable degree of accessibility, and would constitute sustainable development in this regard. The mitigation proposals required by the County Highway Authority (and sought as Section 106 contributions) are as follows:

- One Travel Pack per dwelling to inform new residents from first occupation what sustainable travel choices are available in the surrounding area (which can be provided through Leicestershire County Council at a cost of £52.85 per pack / dwelling if required); and
- Two six-month bus passes per dwelling to encourage new residents to use bus services as an alternative to the private car to establish changes in travel behaviour from first occupation (which can be provided through Leicestershire County Council at an average cost of £350.00 per pass if required)
- Improvements to the two nearest bus stops (including raised and dropped kerbs to allow level access) to support modern bus fleets with low floor capabilities (£3,263 per stop);
- Information display cases at the two nearest bus stops in order to inform new residents of the nearest bus services in the area (£120 per display); and
- Contribution of £5,840 towards equipping the nearest suitable bus stops with a Real Time Information (RTI) system in order to assist in improving the nearest bus service with this facility and provide a high quality and attractive public transport choice to encourage modal shift

[It is also noted that the County Highway Authority has requested the imposition of a condition in respect of the routing of construction traffic; it is considered that this would more appropriately be secured by way of a Section 106 obligation, however.]

In terms of the proposed site access, and following pre-application public consultation, the application as first submitted proposed the formation of a mini-roundabout but, in response to public and officer concerns raised at the application stage regarding the associated felling of the mature oak tree on the site frontage, the proposed access has been amended to a priority junction, and relocated further north. Following the amendment of the proposed site access, the District Council's Tree Officer is satisfied that the tree in question (together with the other site frontage oak, also protected under Tree Preservation Order T439) can be satisfactorily retained, and would not be subject to unacceptable works to the trunk or canopy so as to provide the extent of access visibility (2.4m x 43m) assessed as necessary by the County Highway Authority.

Insofar as this form of access is concerned, the County Highway Authority considers that this would be acceptable subject to the implementation of appropriate traffic calming measures. The applicants have provided a proposed scheme of traffic calming to Atherstone Road (including new "gateway" road markings on the entrance to the village (and extended 30mph zone), together with two sets of speed cushions). Subject to the provision of these features intended to reduce vehicle speeds, therefore, the proposed means of access is considered acceptable to the County Highway Authority. The County Highway Authority also advises that it is consulting on reducing the speed limit beyond the (extended) 30mph zone (i.e. further to the south on Atherstone Road) from 60mph to 40mph; this would serve to reduce vehicle speeds further in the vicinity of the proposed development access.

In view of the conclusions as set out above, the County Highway Authority raises no objections to the proposals subject to conditions, and subject to the contributions as set out above.

As referred to above, the site is crossed by right of way P86, and a number of issues are considered to arise out of this, namely the impact on the existing line of the right of way through the site, the impact on its amenity value of the development, and the impact on the amenity value of that part of the right of way beyond the application site in view of the County Highway Authority's recommended improvements intended to enhance the accessibility of the site.

Leicestershire County Council's Rights of Way Officer notes that, following amendment, the route of the right of way as shown on the submitted layout would not be required to be diverted as it would be consistent with the Definitive Map route. Insofar as the amenity impacts of the proposed development (i.e. the impacts on the amenity value of the right of way as a leisure / recreational route given that it would no longer pass through a section of undeveloped countryside) are concerned, it is accepted that some adverse impacts on its value in this regard would result. However, having regard to the limited extent of the section subject to this change, and given the proposed routing of the right of way adjacent to a landscaped strip, it is not considered that these impacts would be unacceptably harmful, nor sufficient to render the development unsustainable in NPPF terms.

The Rights of Way Officer raises no objections to the proposed development but, having regard to an anticipated increased use of the right of way, requests that an all-weather surface be provided to the section of the footpath on the land to the north east (i.e. between the application site and Horses Lane). Whilst it is not necessarily accepted that the potential increased use of the route as a result of the proposed development would justify a requirement to hard-surface the section to the north east, it is nevertheless accepted that such works would be reasonably required for the reasons for which similar measures are sought by the highway authority (i.e. to enable / encourage use of a shorter pedestrian route to facilities elsewhere in the village). Insofar as the amenity impacts of this requested mitigation is concerned, it is noted that the County Highway Authority suggests the use of a 2m wide tarmac surface with lighting. Given the rural nature of the site, it is considered that such a solution could appear somewhat urbanising and may not be the most appropriate approach in this location. However, it is considered that, in principle (and subject to any relevant County Council requirements), there is no reason why a sensitively designed all weather surface could not be provided to this section. Furthermore, lighting could also be provided which, depending on the nature of the equipment used, could strike an appropriate balance between enabling safe use during the hours of darkness and preserving the rural amenities of the area.

Insofar as the method of securing this enhanced link to serve the site is concerned, the applicants suggest that, as the adjacent field is not under their control, they make a financial contribution to Leicestershire County Council. However, it is not clear as to what would happen in the event that, for whatever reason, the County Council chose not to progress those works (nor, indeed, what the actual cost required as a commuted sum would be). In this case, the view is taken that, in the absence of enhancements to the right of way so as to enable year round access for all users, the site would not be sufficiently accessible so as to be acceptable in planning terms. Therefore, it is considered that, until such time as the improvements are made, the development should not be occupied, and the imposition of a negatively worded ("Grampian") condition as recommended below would appear to be the most appropriate means of securing this; if the applicants need to enter into separate negotiations with the landowner and / or Leicestershire County Council in order to ensure that the upgrade works are delivered prior to being able to occupy any of the proposed dwellings, that would be a matter for them to resolve. Advice in the DCLG's Planning Practice Guidance (Paragraph ref. ID 21a-011-20140306) indicates that, where a condition can be used to overcome a planning objection, this approach should be used in preference to a planning obligation.

Subject to the above, therefore (and including the applicants making appropriate contributions towards transportation infrastructure as set out above), the proposed development is considered acceptable in terms of Means of Access and Transportation issues.

Loss of Agricultural Land

The site's current use is agricultural and, insofar as the proposed built development is concerned, this would result in an irreversible loss to non-agricultural use.

Paragraph 112 of the NPPF suggests that, where significant development of agricultural land is demonstrated to be necessary, poorer quality land should be used in preference to that of a higher quality. Having regard to the five year housing land supply issue as set out above, it would seem inevitable that land outside Limits to Development (much of which will be agricultural in terms of use) will need to be released. Best and Most Versatile (BMV) agricultural land is defined as that falling within Grades 1, 2 and 3a of the Agricultural Land Classification.

An assessment of the site's agricultural land has not been provided by the applicants and they have been unable to ascertain its grade. However, based on the MAFF provisional classification, it would appear to be within Grade 3. Given that the sub-category (i.e. 3a or 3b) is not known, it is not possible to ascertain whether the site would be BMV and, as such, it is considered necessary to consider this issue further in case the site is within Grade 3a. Whilst the NPPF does not suggest that release of smaller BMV sites is acceptable, it nevertheless appears reasonable to have regard to the extent of the loss in the decision making process. Even if the land is indeed BMV land, and in terms of assessing the significance of the loss, it is noted that, at 3.2 hectares, the site falls some way below the 20 hectare threshold at which it is generally accepted that a "moderate" impact from the loss of BMV would result. Whilst the NPPF does not suggest that release of smaller BMV sites is acceptable, it nevertheless appears reasonable to have regard to the extent of the loss in the decision making process.

As such, and whilst it is not considered that the proposed development sits particularly comfortably with the requirements of the NPPF and, in particular, the aims of Paragraph 112, this would need to be weighed against other material considerations and, whilst there could be adverse impacts in this regard, these concerns would not be so significant as to outweigh the considerations in favour of the scheme. When considered in the context of the five year housing land supply issue, and the benefits of releasing the site to assist in maintaining such supply, it is considered that the agricultural land quality issue is not sufficient to render the development unsustainable overall, nor that planning permission should be refused on this issue.

Drainage, Ecology and the River Mease SAC

The submitted documents include assessments of the flood risk, drainage and ecological implications of the proposed development and, having regard to the site's location within the catchment of the River Mease Special Area of Conservation (SAC), the impacts on water quality of the Mease. These issues are considered in more detail below.

Flood Risk and Drainage

A Flood Risk Assessment has been submitted in support of the application. The Environment Agency flood zone maps indicate that the site lies within fluvial Flood Zone 1; on this basis it is considered that the sequential test would be satisfied.

In terms of other sources of flood risk, the Flood Risk Assessment also has regard to the implications of the proposed development on surface water discharge and a smaller watercourse which follows the south eastern boundary of the site, and is then culverted under Atherstone Road. It is proposed to dispose of surface water via this watercourse (where not otherwise dealt with by infiltration), and other measures (including the provision of an on-site balancing pond) would be employed to enable flows to the watercourse to be controlled; this pond has been designed to accommodate flows for events up to the 1 in 100 year (plus 30% for climate change) storm event.

For its part, the Environment Agency raises no objections to the application subject to the imposition of conditions. Whilst concerns have been raised regarding increased flood risk downstream, the limitation of the discharge of surface water in the manner set out above would indicate that no increased risk of flooding to other properties would be likely. However, whilst not reasons upon which the Environment Agency wishes to raise objection, the Agency does nevertheless raise concerns regarding the appropriateness of the applicants' proposals in respect of the siting of rear garden fences / boundaries adjacent to the watercourse and the proposed works designed to mitigate for flooding from an existing redundant weir and undersized culvert (although it is noted that these concerns do not necessarily raise issues in respect of flood risk). In terms of the works designed to avoid flooding from the existing culvert, the applicants propose to construct a new side weir and flood channel, whereas the Agency would wish to encourage liaison with the adjacent landowner to enable removal of the weir and diverting the watercourse via a natural channel, thus assisting in re-naturalising the watercourse (which is a tributary to the River Mease). It is considered that, should such an approach be feasible, it should be encouraged as far as possible, and the conditions recommended below therefore reflect this aim. Insofar as the Environment Agency's suggestions in respect of the applicants' proposed siting of rear garden fences / boundaries adjacent to the watercourse are concerned, this issue relates to the potential for a wildlife movement corridor to be established, and further consideration as to the practicality of this (given the need to provide reasonable garden space and an acoustic fence to protect future occupiers' amenities (see Residential Amenity below)) may be necessary, but the conditions recommended below would allow for this to be secured if possible.

Overall, in terms of issues of Flood Risk and Drainage, therefore, it is considered that the scheme is acceptable, and would provide for appropriate drainage solutions to accommodate the proposed development.

Ecological Issues

The application is supported by an Ecological Appraisal of the site. This provides that the closest statutorily designated site of nature conservation of importance to the application site is approximately 320m from the site (being the River Mease Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI)); the Ashby Canal SSSI is also located within the Appraisal's search area, being 1.7km from the application site. In terms of non-statutory designation, the Appraisal identifies 13 non-statutory sites within 1km of the application site, and including one of the mature oaks fronting onto Atherstone Road (and as already considered above) which the Appraisal identifies as a potential local wildlife site. The Ecological Appraisal (which was submitted with the application prior to the amendment of the proposed access arrangements) indicates that there would be an ecological impact arising from the previously proposed felling of the tree; in view of the amendment of the scheme, however, this impact would no longer result. No other significant adverse impacts on sites are indicated as likely to result.

Insofar as protected or notable species are concerned, the Assessment considers the impacts on bats, breeding birds and great crested newts. In terms of bats, having regard to the now proposed retention of the oak (which is identified as having potential for use as a roost), no specific impacts are considered likely. In respect of breeding birds, no specific issues arise, subject to the need to have regard to them during works and subject to bird box provision. Insofar as great crested newts are concerned, the Appraisal suggests that, having regard to the suitability of habitat within the site, and the isolation of the closest suitable ponds from the site, use of the site appears unlikely.

In terms of the ecological impacts generally, concerns were raised by the County Ecologist in respect of the originally proposed felling of the oak tree to form the access. However, no objections are raised on the basis of the tree's retention, and subject to a number of conditions. Similarly, no objections are raised by Natural England.

Whilst the County Ecologist has recommended a number of conditions (and including provision of a buffer zone to all retained hedgerows) the layout as proposed (nor indeed the proposed acoustic fencing as discussed in more detail below) would not enable the retention of a 5m buffer zone to both sides of hedgerows as suggested by the County Ecologist, and it is not considered that such an aspiration is achievable in this instance when seeking to balance an appropriate form of development in habitat terms with a reasonable extent of development within the site. The proposals are therefore considered, overall, to be acceptable in terms of their ecological impacts, subject to the imposition of suitably-worded conditions.

River Mease Special Area of Conservation (SAC)

The site lies within the catchment area of the River Mease Special Area of Conservation (SAC). Discharge from the sewage treatment works within the SAC catchment area is a major contributor to the phosphate levels in the river. Therefore an assessment of whether the proposal would have a significant effect on the SAC is required.

The River Mease Developer Contribution Scheme (DCS) has been produced to meet one of the actions of the River Mease Water Quality Management Plan (WQMP). The DCS advises that all new development which contributes additional wastewater to the foul water catchment areas of the treatment works within the SAC catchment area will be subject to a developer contribution. The DCS is considered to meet the three tests of the 2010 CIL Regulations and paragraph 204 of the NPPF.

The application is supported by a River Mease SAC Impact Assessment which considers the implications of the proposed development on the River Mease and proposed mitigation. This includes the making of a DCS contribution in accordance with the formulae set out within the DCS, and with the final amount payable being contingent upon the precise nature of the development having regard to the number of dwellings, the number of bedrooms and the dwellings' Code for Sustainable Homes level. As such, and subject to the implementation of appropriate obligations, the proposals would comply with the relevant planning policies and the Habitats Regulations. Natural England advises that the proposed development would be unlikely to have a significant effect on the interest features for which the SAC has been classified, and that an Appropriate Assessment would not be required.

The flows from the new dwellings will need to be taken into account against the existing headroom at Measham Treatment Works, which serves the site. As of March 2014 capacity was available for 188 dwellings at these works when taking into account the number of dwellings that had consent and / or were under construction; whilst approval of further dwellings since March

2014 would reduce the capacity, even when taking these subsequent approvals into account, sufficient capacity nevertheless remains for the proposed development and, at the time of preparing this report, was equivalent to approximately 116 dwellings and, thus, sufficient to accommodate the proposed development.

On this basis, it is accepted that the proposed development, either alone or in combination with other plans or projects, would not have an adverse impact on the internationally important interest features of the River Mease SAC or any features of special scientific interest of the River Mease SSSI (nor would there be any other impacts on other aspects of the SAC / SSSI), and the development is acceptable on this basis, subject to the implementation of the mitigation identified, secured by way of conditions and Section 106 obligations as appropriate.

Design

The application is supported by a Design and Access Statement (and including a Building for Life 12 assessment) setting out the applicants' proposals, and explaining the approach taken in terms of design. Having reviewed the proposals and the Design and Access Statement, a number of issues had been raised by the District Council's Urban Designer, leading to amendments to the proposals. Whilst the formal, final response from the Urban Designer is currently awaited, it is understood that he considers that the concerns previously raised have now been satisfactorily addressed by the various amendments to the scheme, and that the development would now provide for an appropriate design solution, subject to the imposition of appropriate conditions (and as set out within the recommendation below). Any further comments made, together with the District Council's Urban Designer's assessment of the scheme's performance under Building for Life 12, will be reported on the Update Sheet.

Implications of the Adjacent Brickworks and Other Mineral Matters

As referred to under the section above relating to the principle of development, the site is adjacent to an existing brickworks, and is part of a larger designation under Local Plan Policy M2 which includes the adjacent brickworks and agricultural land to the north east and south east respectively. The presence of these brickworks and their associated operations give rise to a number of issues, as follows:

Noise

The suitability of the site for residential development having regard to the presence of the brickworks and their authorised use are considered in more detail under Residential Amenity below.

Mineral Sterilisation

The policies of the Leicestershire Minerals Development Framework Core Strategy and Development Control Policies document presume against development which would sterilise future extraction of minerals. In this case, Leicestershire County Council as Mineral Planning Authority considers that the proposed development would be unlikely to sterilise a viable mineral resource directly below the site. Regard nevertheless still needs to be had to the wider sterilisation issues (i.e. the implications on the ongoing working of minerals resources in the vicinity of the application site arising from the presence of new dwellings on the application site). Should the residential amenity implications be such that erection of dwellings on the site would fetter the effective working of minerals, this could have an adverse impact upon mineral supply.

North West Leicestershire Local Plan Policy M2

The explanatory paragraphs in respect of Policy M2 clarify that, whilst the District Council recognises the potential, in the longer term, for redevelopment on the sites listed under the policy (and including the Redbank Brickworks), it is not the case that early redevelopment is contemplated, and the policy merely sets out the District Council's planning policy should the circumstances arise. In this case, whilst the site falls within the larger M2 policy area, it is not actually within the brickworks complex. Whilst the scheme would not therefore represent a comprehensive redevelopment of the wider facility (and would not, therefore, appear to comply with the policy), it is not considered that there would be any unacceptable implications in this instance associated with the redevelopment of this section of the M2 policy area in isolation. Similarly, it is considered appropriate to ensure that the scheme would not prejudice adjacent land controlled by the operators of the brickworks coming forward in the future (if such development were appropriate). The layout is considered such that it would not prevent the development of adjacent land (and, in particular the agricultural land to the north east) if and when an application was submitted for development of that site (and if development of that site was otherwise considered acceptable in principle) and, as such, Policy E6 is considered to be satisfied. Other issues arising from the site's relationship with the brickworks site are considered under Residential Amenity below.

Residential Amenity

In terms of amenity issues, the impacts of the proposed development need to be considered both in terms of the impacts on the future living conditions of residents of the proposed development, having regard to the site's location, as well as on existing residents arising from the proposed development. These are considered in turn below.

As mentioned, the site is located adjacent to an existing brickworks, and a Noise Impact Assessment has been submitted, including consideration of the noise implications of this relationship, and from other noise sources (including road noise). Whilst this survey is considered to address the existing noise climate, additional supporting information has been requested in view of the extant planning permission (granted in 1997 by Leicestershire County Council in its capacity as Mineral Planning Authority (ref. 96/0282/7)) for an extension to the quarrying activities on the site, which includes for sandstone extraction from part of the field to the north east of the application site; the planning permission remains extant until 31 December 2042. The additional information, in the form of an addendum to the originally submitted noise impact assessment, indicates that, based on the likely noise levels associated with the approved operations, appropriate mitigation could be provided to the closest properties (those within the north eastern part of the application site) by way of an appropriately designed barrier (e.g. acoustic fence and / or bund) of minimum height 3 metres. Whilst it is not known whether or not the area would be worked within the life of the extant permission (nor, indeed, at some future date beyond that), it is considered necessary to secure this mitigation in order to protect new residents' amenities should the mineral ever be worked, and to ensure that the ability to work it in the future is not prejudiced by virtue of the proximity of noise sensitive premises.

As recommended in the noise impact assessment addendum, a 3m high barrier is proposed to the closest part of the site boundary to the area the subject of the extant approval; smaller barriers (ranging between 1.8m and 2.5m) are proposed elsewhere to the north eastern and south eastern residential application site boundaries, and reflecting their relative distance from the extraction site.

Insofar as the visual impact of this acoustic barrier is concerned, it is noted that, particularly in respect of the north eastern boundary, this feature would be readily visible from both within the application site, and from the field to the north east (and through which right of way P86

passes). In order to ensure the barrier does not have an unacceptable visual impact, the scheme proposes use of a "living wall" structure (i.e. a fence with living vegetation attached / maintained on one side) constructed on the development side of the existing hedgerow to this north eastern boundary. For the non-development side of the proposed barrier (which would have no vegetation attached), the applicants propose a scheme of management of the existing adjacent hedgerow such that it would be maintained / allowed to grow so as to (by the third year) screen the barrier from outside of the application site. In the absence of such mitigation, it is considered that the erection of a fence of this scale in this location would be to the detriment of the design quality of the scheme, and to the rural character of the surrounding area. Subject to the proposed measures being implemented, however, it is considered that the impacts would be mitigated to an acceptable degree.

In addition to the potential noise implications of the existing brickworks, the applicants have also submitted information assessing the air quality implications on new residents from this use. Whilst the submitted Air Quality Assessment identifies that the operations at the brickworks are likely to generate a high level of particulate matter, the prevailing wind direction would indicate that the impact on residents of the proposed housing would not be significant.

Insofar as the impacts on neighbouring occupiers arising from the proposed development are concerned, it is noted that some of the proposed dwellings would be in relatively close proximity to existing adjacent properties, and incorporating rear gardens of, typically, 10 or 11 metres in length. Nevertheless, it is considered that no undue amenity impacts in terms of overlooking, over-dominance or overshadowing to existing dwellings or gardens would be likely to result on the basis of the layout and house types proposed. Similarly, no mutual overlooking between new and existing dwellings would be considered likely, given the window to window distances involved. The application is therefore considered acceptable in residential amenity terms.

Heritage Issues

The application is supported by an Archaeological Desk Based Assessment which considers the potential archaeological value of the site, and sets out the findings of a geophysical survey. The Assessment notes that the site lies in an area that was once within the agricultural hinterland of the town and suggests that the geophysical survey shows the remnants of medieval / post-medieval ploughing, albeit no obvious archaeological remains. In view of the respective periods specifically considered in the Assessment, the potential for historic finds / disturbance are categorised as moderate for prehistoric, low to moderate for Roman, low for medieval and low for post-medieval.

The Assessment suggests that the preservation of archaeological remains may be very good over most of the site, but there may be some disturbance on the northern part of the site, where the nursery buildings once existed. There is, the Assessment states, potential for the remains of these buildings to be revealed during any new development. Whilst the preliminary geophysical survey results do not suggest any obvious archaeological remains, the findings suggest evidence of ridge and furrow earthworks, but it is not considered likely that the potential for archaeological remains would represent a significant issue. No representations have been received from Leicestershire County Council's Planning Archaeologist.

In terms of other heritage issues, it is noted that there are no listed buildings or Conservation Areas within the immediate vicinity of the site, nor are there considered to be any other non-designated heritage assets materially affected by the proposals.

Other Matters

Developer Contributions

Paragraphs 203 and 204 of the NPPF set out the Government's policy in respect of planning obligations and, in particular, provide that planning obligations should be:

- necessary to make the proposed development acceptable in planning terms;
- directly related to the proposed development; and
- fairly and reasonably related in scale and kind to the proposed development.

Equivalent legislative tests are contained within the Community Infrastructure Levy (CIL) Regulations 2010.

The relevant developer contributions (save for those already considered under Means of Access and Transportation and relating to the River Mease DCS) are listed below.

Affordable Housing

The applicants propose to make an affordable housing contribution of 23 dwellings; the Local Planning Authority's current requirements for the Measham area for a scheme of this scale are for 30% (which, for a scheme of 77 dwellings would equate to 23.1 units; a contribution of 23 units would represent 29.9%). As such, proposed contribution would (marginally) fall below the 30% figure and the District Council's Affordable Housing SPD provides that, when applying the appropriate target, the District Council will work on the principle of rounding up to the nearest whole figure. When applying this principle, the contribution should therefore be 24 units. However, given the marginal nature of the under-provision, the proposal is considered acceptable; the proposed affordable housing contribution is also considered acceptable by the District Council's Strategic Housing Team. The units identified as affordable are as follows:

2 x 1 bed units
15 x 2 bed units
6 x 3 bed units

Of these, it is understood that 16 units would be available as affordable rented, and the remaining 7 as intermediate / low cost home ownership. The mix of units proposed is considered acceptable by the District Council's Strategic Housing Team (although, in addition, it confirms that it would, as an alternative, also be acceptable to provide the rented units as social rather than affordable rent), and the proposed development is considered acceptable in this regard.

Children's Play and Public Open Space

The submitted layout shows the extent of the site given over to landscaping, retained and proposed tree / hedgerow planting and other open space; the open space would be provided towards the southern part of the site. Under the Local Planning Authority's Play Area Design Guidance SPG, children's play areas should be provided at a rate of 20 square metres per dwelling (i.e. for 77 dwellings, 1,540 square metres); whilst the submitted layout does not explicitly show an equipped children's play area, this would need to be accommodated within the general area of public open space, and the applicants have confirmed their agreement to this. In terms of the extent of the proposed public open space, on the basis of the submitted plan, this would be in the order of 4,550 square metres (although this includes the proposed balancing pond which would cover an area of approximately 1,425 square metres). In terms of the range of equipment necessary, for developments of this number of dwellings, Local Plan Policy L22 and the District Council's SPG requires that the needs of children up to the age of 14

should be provided for, and including a minimum of 8 types of activity. On the basis of the submitted scheme, however, there would appear to be no reason why the minimum requirements of the SPG in terms of the provision of children's play could not be met in this regard. The applicants are agreeable to making these contributions.

National Forest Planting

The applicants' proposals do not show the provision of any on-site National Forest planting as part of their wider landscaping and public open space proposals and, as such, the National Forest Company notes that an off-site contribution of £12,600 would be required (i.e. in lieu of the otherwise required 20% site area on-site contribution). Subject to the provision of this, the proposals would be considered appropriate in this regard. The applicants are agreeable to making the contribution requested.

Education

In respect of the proposed education contributions, Leicestershire County Council comments as follows:

Primary School Requirements:

The site falls within the catchment area of Measham Church of England Primary School. The School has a net capacity of 240 and 343 pupils are projected on the roll should this development proceed; a deficit of 103 places. However, having regard to other Section 106 obligations funding 74 pupil places, the overall deficit would be reduced to 29 places (of which 11 are existing and 18 would be created by this development). There are two other primary schools within a two mile walking distance of the development (Oakthorpe Primary School (surplus of 12 places) and Snarestone Church of England Primary School (deficit of 12 places)). As such, the 18 deficit places created by the development can therefore not be accommodated at nearby schools, and a request for an education contribution of £217,782.18 in respect of the primary sector is made. The contribution would, the Local Education Authority advises, be used to accommodate the capacity issues created by the proposed development by improving, remodelling or enhancing existing facilities at Measham Church of England Primary School.

High School Requirements:

The site falls within the catchment area of Ibstock Community College. The College has a net capacity of 705 and 892 pupils are projected on roll should this development proceed, a deficit of 187 pupil places. However, having regard to other Section 106 obligations funding 188 pupil places, there would be a net surplus of 1 pupil place. As such, no contribution is requested in respect of the high school sector.

Upper School Requirements:

The site falls within the catchment area of Ashby School. The School has a net capacity of 1,841 and 2,060 pupils are projected on roll should this development proceed, a deficit of 219 pupil places. However, having regard to other Section 106 obligations funding 91 pupil places, the overall deficit would be reduced to 128 places (of which 120 are existing and 8 would be created by this development). There are no other upper schools within a three mile walking distance of the site, and a request for an education contribution of £137,663.70 in respect of the upper school sector is made. The contribution would, the Local Education Authority advises, be used to accommodate the capacity issues created by the proposed development by improving, remodelling or enhancing existing facilities at Ashby School.

The applicants are agreeable to making the contributions requested.

Library Services

Leicestershire County Council advises that an additional 110 plus users of Measham Library are anticipated to be generated by the proposed development, requiring an additional 264 items of lending stock (plus reference, audio visual and homework support material), and a contribution of £2,290 is therefore sought by the County Council. The applicants are agreeable to making the contribution requested.

Healthcare

NHS England requests a developer contribution of £36,673.20 in respect of healthcare as set out in the consultation response above. In support of the financial contribution request, the NHS advises that the development would result in an increased patient population of approximately 185, and that these additional residents of the proposed housing development would access healthcare in the existing Measham surgery. The NHS advises that this practice is currently at capacity and restricted in terms of its ability to use its rooms flexibly. The contribution is therefore proposed to be used to enable existing accommodation to be upgraded insofar as the relevant rooms would then be able to be used for a range of services, thus, in effect, increasing the capacity of the surgery facilities. It is considered that this request would meet the relevant CIL and NPPF tests, and the applicants have confirmed that are agreeable to making the contribution sought.

Sport Facilities

Leicester-Shire and Rutland Sport requests a developer contribution of £74,057 towards additional facilities at Measham Leisure Centre. In support of the request, it is suggested that the Leisure Centre is situated approximately 0.6 miles from the development site and any increase in population is likely to have a direct impact on usage of the leisure centre facilities given its proximity. Leicester-Shire and Rutland Sport advises that the leisure centre has limited sport facility provision including a two court sports hall, a health and fitness suite and an artificial grass pitch. The existing health and fitness suite is limited to 15 stations but Leicester-Shire and Rutland Sport states that there is the potential to expand the facility with investment which will better serve the leisure centre as a whole. It advises that the requested contribution, calculated based on Sport England guidance, would provide a base line sum from which the Local Authority would be able to invest in sports facilities at the leisure centre site, and draws attention to previously-identified shortfalls in facilities within the North West Leicestershire area as a whole.

In response to this request, the applicants suggest that the making of this contribution would render the development unviable (and, presumably, therefore, reduced contributions elsewhere would accordingly need to be provided in order to accommodate it). However, no evidence has been provided to demonstrate that this would be the case (although it is accepted that, given the lateness of the request, the applicants could not reasonably have been expected to provide such evidence in the timescales available).

Regardless of any implications on viability, however, in officers' view, it is not considered that the request meets the relevant NPPF and CIL tests outlined above. Whilst it is accepted that some increased use of the leisure centre would seem likely as a result of the development, no detailed analysis has been provided demonstrating either the likely extent of this increased use

(which would need to have regard to factors such as proportion of residents likely to use the various leisure centre facilities, accessibility / distance of the site from the facilities, and the availability (or otherwise) of other publicly or privately provided services), or the ability (or otherwise) for existing facilities to accommodate some or all of the additional users anticipated. Once this had been provided, it would, officers consider, be necessary to demonstrate what the contribution sought would be proposed to be spent on, how those works would mitigate any identified shortfalls arising from the proposed residential development, and what they would be expected to cost. In the absence of this information, it is not considered that a contribution could be reasonably required.

Contributions sought by Leicestershire Police

Leicestershire Police requests a developer contribution of £32,074 in respect of policing as set out in the consultation response above. The contribution sought comprises:

Start up equipment / training	£3,233
Vehicles	£1,956
Additional radio call capacity	£196
Police National Database	£100
Additional call handling	£172
ANPR	£2,713
Mobile CCTV	£500
Additional premises	£23,050
Hub equipment	£154

For their part, the applicants confirm that they would be agreeable to making the contribution sought.

It is considered that, in principle, contributions towards policing may be capable of being justified in terms of satisfying the relevant NPPF and CIL Regulations tests. However, the policing contribution requests appear to be based upon an assumption that all residents of the proposed dwellings would be "new" / additional residents requiring policing by Leicestershire Police from outside of the area (or, at least, from outside of the District).

In the circumstances, officers are concerned the scale and kind of contributions sought may not be fairly and reasonably related to this development. Specifically, it is observed:

Start up equipment / training:

It is accepted that, in principle, such a contribution could be reasonable. However, as set out above, the Local Planning Authority would need to be satisfied that the rationale behind the extent of impact likely was robust.

Vehicles:

The contribution sought appears to seek the cost of providing vehicles to serve the site over a 6 year period and, assuming a 3 year average "lifespan" of a Police vehicle. Whilst it is accepted that, in principle, such a contribution could be reasonable, officers are of the view that providing the contribution for a 6 year period would be excessive.

Additional radio call capacity:

The process of improving radio cover / capacity is, it seems, an ongoing process and would appear to occur regardless of the development going ahead.

Police National Database:

The process of improving capacity of the Police National Database is, it seems, an ongoing process and would appear to occur regardless of the development going ahead.

Additional call handling:

For the reasons already set out, it is not clear as to how the level of the additional calls anticipated has been calculated.

ANPR:

It is not accepted that the proposed development would justify the installation of ANPR CCTV systems (and that, in the development's absence, ANPR would not be required). If there is a need to provide ANPR coverage of this area because of existing crime figures, the cameras should, it is considered, be provided regardless. It is not considered clear why the addition of 77 dwellings to the village would suggest that such a system would be required when, in the absence of the development, it was not.

Mobile CCTV:

It is not accepted that the proposed development would justify the installation of mobile CCTV systems (and that, in the development's absence, mobile CCTV would not be required). If there is a need to provide mobile CCTV coverage of this area because of existing crime figures, the cameras should, it is considered, be provided regardless. It is not considered clear why the addition of 77 dwellings to the village would suggest that such a system would be required when, in the absence of the development, it was not.

Additional premises:

The contribution request from Leicestershire Police provides that, within North West Leicestershire, policing is delivered from Coalville LPU premises, and that occupation of premises is maintained at capacity. Contributions are sought for Coalville LPU, plus the Basic Command Unit (BCU) at Loughborough and the Force HQ at Enderby. Insofar as Coalville LPU is concerned, Leicestershire Police advises that occupation is maximised but constrained by its age and condition. Replacement to existing needs is, Leicestershire Police advises, likely although it is suggested that the proposed development would create a need for additional floorspace. The District Council is also advised that a replacement facility at Loughborough is "in build" and that this would need to be extended to accommodate staff to cover the proposed development; extension of the Force HQ would also, Leicestershire Police suggests, be required to serve the proposed development. Whilst Leicestershire Police maintains that additional floorspace is required at all three locations to serve the proposed residential development, for the reasons already set out, Local Planning Authority officers do not at this time accept the suggested level of additional demand on police services and, hence, the extent of additional employee cover required. It would also appear unlikely that a development of this scale would result in such a level of increased employment so as to necessitate extensions to accommodation at all three sites, notwithstanding that Leicestershire Police confirms that all facilities are maintained at capacity. It is not considered that the force has demonstrated that there is definitely no capacity to accommodate additional staff, nor that its various sites would actually be extended to meet any additional accommodation requirement directly attributable to the development in hand.

Hub equipment:

No information has been submitted which indicates that the existing hub and equipment would, as a result of the development, be over-capacity.

On this basis, therefore, officers are of the view that Leicestershire Police has failed to

demonstrate that the relevant NPPF and CIL tests would be met by the contribution sought.

Insofar as the various developer contributions are concerned, the view is taken that, save where indicated otherwise above, the proposed obligations would comply with the relevant policy and legislative tests as set out in the NPPF and the CIL Regulations.

Conclusions

As set out in the main report above, whilst the site is outside Limits to Development as defined in the adopted North West Leicestershire Local Plan, and constitutes greenfield land, its release for housing is considered suitable in principle, particularly having regard to the need to release sites in order to meet the District Council's ongoing obligations in respect of housing land supply (and the approach taken in respect of such within the NPPF). Whilst the site is located outside of Limits to Development as defined in the adopted Local Plan, having regard to its location adjacent to the existing settlement and its associated services, the proposed development would, overall, be considered to constitute sustainable development as defined in the NPPF and, as such, would benefit from a presumption in favour of such development as set out in that document. The scheme is considered to be acceptable in terms of amenity, design and technical issues (and including in respect of transportation and highway safety issues), such that there appear to be no other reasons to prevent the site's development for housing.

RECOMMENDATION- PERMIT, subject to no contrary representations raising new issues being received by 13 March 2015, subject to Section 106 Obligations, and subject to the following conditions:

- 1 The development shall be begun before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The proposed development shall be carried out strictly in accordance with the following plans, unless otherwise required by a condition of this permission:
 - Site location plan (B.11,774) deposited with the Local Planning Authority on 25 April 2014
 - Site layout (S6623/100/02 Rev Q) deposited with the Local Planning Authority on 13 February 2015
 - Site access (ADC1039/001 Rev D) deposited with the Local Planning Authority on 10 November 2014
 - Plans in respect of the proposed house types as set out in the Planning Drawing Schedule deposited with the Local Planning Authority on 13 February 2015 attached to and forming part of this permission

Reason - To determine the scope of this permission.

- 3 No development shall commence on the site until such time as a landscaping scheme to accord generally with the principles shown on plan no. S6623/100/02 Rev Q (and including precise details of the treatment and long-term management of all retained hedgerows and associated buffer zones, where applicable) has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be

implemented in the first planting and seeding season following either the first occupation or the bringing into use of the development hereby approved unless an alternative implementation programme is first agreed in writing with the Local Planning Authority.

Reason - To ensure satisfactory landscaping is provided within a reasonable period, in the interests of nature conservation and to comply with Policy E7 of the North West Leicestershire Local Plan.

- 4 Any tree or shrub which may die, be removed or become seriously damaged shall be replaced in the first available planting season thereafter and during a period of five years from the first implementation of the approved landscaping scheme or relevant phase of the scheme, unless a variation to the landscaping scheme is agreed in writing with the Local Planning Authority.

Reason - To provide a reasonable period for the replacement of any trees, in the interests of nature conservation, and to comply with Policy E7 of the North West Leicestershire Local Plan.

- 5 Notwithstanding the submitted details, nor Conditions 2 and 3 above, no development shall commence on the site until such time as precise details of proposed mitigation and / or management measures as set out in section 4.0 of the submitted Ecological Appraisal dated March 2014 (prepared by FPCR) and a biodiversity management plan for all created and retained habitats (and including timetables for implementation) have been submitted to and agreed in writing by the Local Planning Authority. Unless any alternative measures are first agreed in writing by the Local Planning Authority, no development shall be undertaken at any time other than in strict accordance with the agreed measures and timetable. The development shall thereafter be maintained in accordance with the agreed details (or in accordance with any alternative mitigation or management plan first submitted to and agreed in writing by the Local Planning Authority).

Reason - In the interests of nature conservation.

- 6 No development shall commence on the site until such time as a surface and foul water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, together with a timetable for its implementation, has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details and timetable. The scheme shall demonstrate that the surface water run-off generated up to and including the 100 year plus 30% (for climate change) critical rain storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event, and shall include:
- Surface water drainage system(s) to be designed in accordance with either the National SUDs Standards, or CIRIA C697 and C687, whichever are in force when the detailed design of the surface water drainage system is undertaken;
 - An assessment of the need and where necessary provision of a trash / security screen (designed in accordance with the Trash and Security Screen Guide 2009 (DEFRA / Environment Agency)) to the inlet of the 650mm diameter culvert passing underneath Atherstone Road;
 - Limiting the surface water run-off generated by all rainfall events up to the 100 year plus 30% (for climate change) critical rain storm, so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site;

- Provision of surface water attenuation storage on the site to accommodate the difference between the allowable discharge rate and all rainfall events up to the 100 year plus 30% (for climate change) critical rain storm;
- Detailed design (plans, cross, long sections and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements; and
- Details of how the on-site surface water drainage systems and any trash/security screen installed on the 650mm diameter culvert passing underneath Atherstone Road will be maintained and managed after completion and for the lifetime of the development, to ensure long term operation to design parameters.

Reason - To ensure that the site is appropriately drained, to prevent flooding by ensuring the satisfactory storage / disposal of surface water from the site, to reduce the risk of flooding, both on and off site, to minimise the risk of pollution, to ensure that the development will not impact upon the features of special interest for which the River Mease SAC / SSSI is notified, and in the interests of nature conservation.

- 7 Notwithstanding the submitted plans, nor Condition 2 above, no development shall commence on the site until such time as a detailed scheme for all boundary treatments within and surrounding the site has been submitted to and agreed in writing by the Local Planning Authority. None of the dwellings hereby permitted shall be occupied until the relevant dwelling's boundary treatment as denoted on the agreed scheme has been implemented in full. Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) no gates, fences, walls or other means of enclosure (other than any approved pursuant to this condition, or as a replacement of such in the same location, constructed in the same materials, and at a height not exceeding that which it replaces) shall be erected, unless planning permission has first been granted by the Local Planning Authority.

Reason - To preserve the amenities of the locality, in the interests of highway safety, to ensure that there is a clear and robust demarcation between public and private spaces, to ensure an appropriate form of design, and to comply with Policies T3, E4 and H7 of the North West Leicestershire Local Plan.

- 8 Notwithstanding the submitted details, nor Conditions 2 and 7 above, no development shall commence on the site until such time as precise details of the extent and boundary treatment of all proposed rear gardens to Plots 59, 60 and 63 to 77 (inclusive) (and including a timetable for its provision) have been submitted to and agreed in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details and timetable. Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) no gates, fences, walls or other means of enclosure (other than any approved pursuant to this condition, or as a replacement of such in the same location, constructed in the same materials, and at a height not exceeding that which it replaces) shall be erected, unless planning permission has first been granted by the Local Planning Authority.

Reason - To ensure the maximisation of opportunities for habitat enhancement.

- 9 Notwithstanding the submitted details, nor Conditions 2, 7 and 8 above, no work shall commence on the site until such time as precise details of the proposed acoustic fencing

to the north eastern and south eastern boundaries of the site (and including a timetable for its provision in relation to first occupation of the proposed dwellings) have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and timetable and thereafter be so maintained. Unless any alteration is first agreed in writing by the Local Planning Authority, all associated works shall be undertaken and the hedgerows thereafter be maintained strictly in accordance with the submitted Hedgerow Method Statement (ref. GL0171 dated 29 January 2015, prepared by Golby and Luck).

Reason - To ensure the development takes the form envisaged by the Local Planning Authority, to ensure that future occupiers of the development are protected from excessive noise, in the interests of visual and residential amenity, and to comply with Policies E3, E4 and H7 of the North West Leicestershire Local Plan.

- 10 Notwithstanding the submitted details, nor Condition 2 above, no development shall commence on the site until such time as precise details of proposed alterations to the treatment and routing of the watercourse to the south eastern site boundary (and including a timetable for its provision) have been submitted to and agreed in writing by the Local Planning Authority.

Reason - To ensure the maximisation of opportunities for habitat enhancement and re-naturalisation of the watercourse.

- 11 No site works of any description shall take place on the site at any time unless the existing trees and hedgerows shown as retained on plan no. S6623/100/02 Rev Q are securely fenced off in full accordance with a scheme for their protection which shall first have been submitted to and agreed in writing by the Local Planning Authority. Within the fenced off areas there shall be no alteration to ground levels, no compaction of the soil, no stacking or storing of any materials and any service trenches shall be dug and back-filled by hand, unless any alteration is first agreed in writing by the Local Planning Authority.

Reason - To ensure that existing trees and hedgerows are adequately protected during construction, in the interests of the visual amenities of the area, and to comply with Policy E7 of the North West Leicestershire Local Plan.

- 12 Notwithstanding the submitted details, nor Condition 2 above, No work shall commence in respect of the construction of the proposed electricity substation until such time as precise details of all associated above-ground works have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason - To ensure an appropriate form of development, and to comply with Policies E4 and H7 of the North West Leicestershire Local Plan.

- 13 No work shall commence on the site until such time as precise details of all materials to be used in the construction of the external surfaces of the development (including samples where appropriate) have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the agreed details.

Reason - To enable the Local Planning Authority to retain control over the external appearance

of the development, in the interests of the amenities of the area, and to comply with Policies E4 and H7 of the North West Leicestershire Local Plan.

- 14 Notwithstanding the submitted plans, nor Conditions 2 and 13 above, no work shall commence on the site until such time as precise details of the treatment of all hard surfaces (including all access roads, footways, drives and parking / manoeuvring areas) within the development have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason - To ensure the development provides for a satisfactory form of design, in the interest of amenity, in the interests of highway safety, and to comply with Policies E4, H7 and T3 of the North West Leicestershire Local Plan.

- 15 Notwithstanding the submitted plans, nor Condition 2 above, no work shall commence on the site until such time as details of the finished floor levels of the proposed dwellings and the proposed external site / ground levels have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason - To ensure the development takes the form envisaged by the Local Planning Authority, in the interest of amenity, and to comply with Policies E4 and H7 of the North West Leicestershire Local Plan.

- 16 Notwithstanding the submitted plans, nor Condition 2 above, no external lighting shall be installed on the site other than in accordance with precise details first submitted to and agreed in writing by the Local Planning Authority.

Reason - To ensure an appropriate form of design, in the interests of nature conservation, and to comply with Policies E4 and H7 of the North West Leicestershire Local Plan.

- 17 Notwithstanding the submitted plans, nor Condition 2 above, no work shall commence on the site until such time as precise details of all doors and windows (including porches, door surrounds, doors to proposed garages, window styles, headers and cills) have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason - To ensure an appropriate form of design, and to comply with Policies E4 and H7 of the North West Leicestershire Local Plan.

- 18 Notwithstanding the submitted plans, nor Condition 2 above, unless any alteration is first agreed in writing by the Local Planning Authority, all rainwater goods and utility boxes to individual units shall be finished in black.

Reason - To ensure an appropriate form of design, and to comply with Policies E4 and H7 of the North West Leicestershire Local Plan.

- 19 Notwithstanding the submitted plans, nor Condition 2 above, no work shall commence on the site until such time as precise details of all bin and recycling store enclosures and collection points have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason - To ensure that the development provides for a satisfactory form of design, in the interests of amenity, and to comply with Policies E4 and H7 of the North West Leicestershire Local Plan.

- 20 Notwithstanding the submitted plans, nor Conditions 2 or 9 above, no work shall commence in respect of the erection of any dwelling until such time as precise details of all measures proposed in respect of protection of occupiers of the relevant dwelling from noise and a timetable for their implementation have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in full in accordance with the agreed details and timetable.

Reason - To ensure that future occupiers of the development are protected from excessive noise, in the interests of amenity, and to comply with Policy E3 of the North West Leicestershire Local Plan.

- 21 No development (save for demolition works) shall commence on any part of the site until such time as a Risk Based Land Contamination Assessment for that part of the site has been submitted to and agreed in writing by the Local Planning Authority. The Risk Based Land Contamination Assessment shall be carried out in accordance with:
- BS10175:2011+A1:2013 Investigation of Potentially Contaminated Sites Code of Practice;
 - BS8576:2013 Guidance on Investigations for Ground Gas - Permanent Gases and Volatile Organic Compounds (VOCs)
 - BS8485:2007 Code of Practice for the Characterisation and Remediation from Ground Gas in Affected Developments; and,
 - CLR 11 Model Procedures for the Management of Land Contamination, published by the Environment Agency 2004.

Reason - To ensure that the land is fit for purpose, to ensure protection of controlled waters and to accord with the aims and objectives in respect of pollution as set out in the National Planning Policy Framework.

- 22 If, pursuant to Condition 21 above, any unacceptable risks are identified in the Risk Based Land Contamination Assessment, a Remedial Scheme and a Verification Plan shall be submitted to and agreed in writing by the Local Planning Authority. The Remedial Scheme shall be prepared in accordance with the requirements of CLR 11 Model Procedures for the Management of Land Contamination, published by the Environment Agency 2004, and the Verification Plan shall be prepared in accordance with the requirements of Evidence Report on the Verification of Remediation of Land Contamination Report: SC030114/R1, published by the Environment Agency 2010, and CLR 11 Model Procedures for the Management of Land Contamination, published by the Environment Agency 2004. If, during the course of development, previously unidentified contamination is discovered, development shall cease on the affected part of the site and it shall be reported in writing to the Local Planning Authority within 10 working days. No work shall recommence on that part of the site until such time as a Risk Based Land Contamination Assessment for the discovered contamination (to include any required amendments to the Remedial Scheme and Verification Plan) has been submitted to and agreed in writing by the Local Planning Authority. Thereafter, the development shall be undertaken in accordance with the agreed details and thereafter be so maintained.

Reason - To ensure that the land is fit for purpose, to ensure protection of controlled waters and to accord with the aims and objectives in respect of pollution as set out in the National

Planning Policy Framework.

- 23 None of the development hereby permitted shall be brought into use until such time as a Verification Investigation for the relevant part of the site has been undertaken in line with the agreed Verification Plan for any works outlined in the Remedial Scheme relevant to either the whole development or that part of the development. No part of the development (or, in the case of phased development, no part of the relevant phase) shall be brought into use until such time as a report showing the findings of the Verification Investigation has been submitted to and agreed in writing by the Local Planning Authority. The Verification Investigation Report shall:
- Contain a full description of the works undertaken in accordance with the agreed Remedial Scheme and Verification Plan;
 - Contain results of any additional monitoring or testing carried out between the submission of the Remedial Scheme and the completion of remediation works;
 - Contain Movement Permits for all materials taken to and from the site and/or a copy of the completed site waste management plan if one was required;
 - Contain Test Certificates of imported material to show that it is suitable for its proposed use;
 - Demonstrate the effectiveness of the approved Remedial Scheme; and
 - Include a statement signed by the developer, or the approved agent, confirming that all the works specified in the Remedial Scheme have been completed.

Reason - To ensure that the land is fit for purpose, to ensure protection of controlled waters and to accord with the aims and objectives in respect of pollution as set out in the National Planning Policy Framework.

- 24 The dwelling to Plot 1 shall not be occupied until such time as the first floor window in the north elevation has been glazed with obscure glass to Pilkington Standard 3 (or equivalent) and, once provided, shall thereafter be so maintained.

Reason - To avoid the possibility of overlooking in the interests of preserving the amenities of residents, and to comply with Policy E3 of the North West Leicestershire Local Plan.

- 25 Notwithstanding the submitted plans, nor Condition 2 above, no work shall commence on the site until such time as precise details of all proposed detached garages have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason - To ensure an appropriate form of design, to ensure that the proposed development provides for an appropriate level of off-street car parking, and to comply with Policies E4, H7 and T8 of the North West Leicestershire Local Plan.

- 26 Unless any alternative timescale is first agreed in writing by the Local Planning Authority, none of the dwellings hereby permitted shall be brought into use until such time as a scheme for the hard surfacing and lighting of public right of way P86 between the site and Horses Lane (including details of responsibilities for provision of lighting and future facility maintenance) has been implemented in full in accordance with details first submitted to and agreed in writing by the Local Planning Authority.

Reason - To provide for improved pedestrian access to nearby services, in the interests of ensuring the development is sustainable in transportation terms.

- 27 Notwithstanding the submitted plans, nor Condition 2 above, no work shall commence on the site until such time as precise details of the proposed off-site highway works as shown generally on drawing no. ADC1039/001 Rev D have been submitted to and agreed in writing by the Local Planning Authority. Unless any alternative timescale is first agreed in writing by the Local Planning Authority, none of the dwellings hereby permitted shall be brought into use until such time as the agreed scheme has been implemented in full.

Reason - To provide for safe access to the site, in the interests of highway safety, and to comply with Policy T3 of the North West Leicestershire Local Plan.

- 28 Notwithstanding the submitted plans, nor Conditions 2 and 15 above, the gradients of the proposed access drives shall not exceed 1:12 for the first 5 metres behind the highway boundary.

Reason - To enable vehicles to enter and leave the highway in a slow and controlled manner, in the interests of general highway safety, and to comply with Policy T3 of the North West Leicestershire Local Plan.

- 29 None of the dwellings hereby permitted shall be occupied until such time as drainage has been provided within the site such that surface water does not drain into the public highway and, once provided, shall thereafter be so maintained.

Reason - To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users, and to comply with Policy T3 of the North West Leicestershire Local Plan.

- 30 No development shall commence on the site until such time as a construction traffic / site traffic management plan, including wheel cleansing facilities and construction vehicle parking facilities, and a timetable for their provision, has been submitted to and agreed in writing by the Local Planning Authority. Unless any alternative management plan has first been submitted to and agreed in writing by the Local Planning Authority, no development shall be undertaken at any time other than in accordance with the approved details and timetable.

Reason - To reduce the possibility of deleterious material (mud, stones etc) being deposited in the highway and becoming a hazard to road users, and to ensure that construction traffic associated with the development does not lead to on-street parking problems in the area.

- 31 Notwithstanding the submitted plans, nor Conditions 2, 14 and 25 above, none of the dwellings hereby permitted shall be occupied until such time as any relevant access drive, turning space or parking space (including garage space) serving that dwelling has been provided in full and is available for use. Once provided, the relevant facilities shall remain available for such use in association with the occupation of the relevant dwelling(s).

Reason - To ensure the provision of appropriate access, turning or parking facilities to serve the development, in the interests of highway safety and to comply with Policies T3 and T8 of the North West Leicestershire Local Plan.

- 32 None of the dwellings hereby permitted shall be occupied until such time as the visibility

splays to the Atherstone Road site access as shown on drawing no. ADC1039/001 Rev. D have been provided as shown (and at a vertical distance of between 0.6 metres and 2.0 metres above ground level) and, once provided, shall thereafter so be maintained.

Reason - In the interests of highway safety, to ensure the works do not adversely impact upon protected trees, and to comply with Policies T3, E2 and E7 of the North West Leicestershire Local Plan.

- 33 Notwithstanding the submitted plans, nor Condition 2 above, no dwelling shall be occupied until such time as 1.0 metre by 1.0 metre pedestrian visibility splays have been provided on the highway boundary on both sides of any relevant access drive serving that dwelling with nothing within those splays higher than 0.6 metres above the level of the adjacent footway / verge / highway in accordance with the current standards of the Local Highway Authority and, once provided, shall thereafter so be maintained.

Reason - In the interests of pedestrian safety, and to comply with Policy T3 of the North West Leicestershire Local Plan.

- 34 No street name plates shall be erected / displayed on the site other than in accordance with details (including positioning) first submitted to and agreed in writing by the Local Planning Authority.

Reason - To ensure the development takes the form envisaged by the Local Planning Authority, to ensure an appropriate form of design, in the interests of the amenities of the area, and to comply with Policies E4 and H7 of the North West Leicestershire Local Plan.

- 35 Notwithstanding the submitted plans, nor Conditions 2, 7 and 15 above, no retaining walls / structures shall be erected unless in accordance with precise details (including in respect of external materials of construction) first submitted to and agreed in writing by the Local Planning Authority.

Reason - To ensure the development takes the form envisaged by the Local Planning Authority, to ensure an appropriate form of design, in the interests of the amenities of the area, and to comply with Policies E4 and H7 of the North West Leicestershire Local Plan.

- 36 Notwithstanding the submitted plans, nor Conditions 2 and 31 above, none of the dwellings to Plots 42, 43, 45 and 48-50 (inclusive) shall be occupied until such time as the relevant car parking spaces serving those dwellings as identified on drawing no. S6623/100/02 Rev Q have been demarked and numbered in accordance with details first submitted to and agreed in writing by the Local Planning Authority. Once provided, the agreed scheme shall thereafter be so maintained.

Reason - To ensure that the proposed parking areas fulfil their function in an efficient manner, to ensure an appropriate form of design, and to comply with Policies E4, H7 and T8 of the North West Leicestershire Local Plan.

Notes to applicant

- 1 Planning permission has been granted for this proposal. The Local Planning Authority acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in

line with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended).

2 The proposed development lies within an area which could be subject to current coal mining or hazards resulting from past coal mining. Such hazards may currently exist, be caused as a result of the proposed development, or occur at some time in the future. These hazards include:

- Collapse of shallow coal mine workings.
- Collapse of, or risk of entry into, mine entries (shafts and adits).
- Gas emissions from coal mines including methane and carbon dioxide.
- Spontaneous combustion or ignition of coal which may lead to underground heatings and production of carbon monoxide.
- Transmission of gases into adjacent properties from underground sources through ground fractures.
- Coal mining subsidence.
- Water emissions from coal mine workings.

Applicants must take account of these hazards which could affect stability, health & safety, or cause adverse environmental impacts during the carrying out their proposals and must seek specialist advice where required. Additional hazards or stability issues may arise from development on or adjacent to restored opencast sites or quarries and former colliery spoil tips.

Potential hazards or impacts may not necessarily be confined to the development site, and Applicants must take advice and introduce appropriate measures to address risks both within and beyond the development site. As an example the stabilisation of shallow coal workings by grouting may affect, block or divert underground pathways for water or gas.

In coal mining areas there is the potential for existing property and new development to be affected by mine gases, and this must be considered by each developer. Gas prevention measures must be adopted during construction where there is such a risk. The investigation of sites through drilling alone has the potential to displace underground gases or in certain situations may create carbon monoxide where air flush drilling is adopted.

Any intrusive activities which intersect, disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes.

Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action. In the interests of public safety the Coal Authority is concerned that risks specific to the nature of coal and coal mine workings are identified and mitigated.

The above advice applies to the site of your proposal and the surrounding vicinity. You must obtain property specific summary information on any past, current and proposed surface and underground coal mining activity, and other ground stability information in

order to make an assessment of the risks. This can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

- 3 Your attention is drawn to the attached report of Severn Trent Water Limited.
- 4 Your attention is drawn to the attached report of the Environment Agency.
- 5 Your attention is drawn to the attached report of Natural England.
- 6 Your attention is drawn to the attached report of Leicestershire County Council's Director of Environment and Transport in respect of highway matters.
- 7 Your attention is drawn to the attached report of Leicestershire County Council's Rights of Way Officer.
- 8 Your attention is drawn to the attached report of the National Forest Company.
- 9 The applicants are advised that, for the purposes of complying with Condition 3 above, the Local Planning Authority would be likely to require the provision of semi-mature trees (minimum girth 25 to 30cm) to the principal road through the site, and for all new property frontage hedges to be of minimum planting height 0.5m.
- 10 The applicants are advised that, for the purposes of complying with Condition 7 above, the Local Planning Authority would be likely to require all public realm (including courtyard) facing boundaries to be constructed in brick.
- 11 The applicants are advised that, for the purposes of complying with Condition 17 above, the Local Planning Authority would be likely to require any porches / door surrounds to be constructed in timber.
- 12 The applicants are advised that, for the purposes of complying with Condition 34 above, the Local Planning Authority would be likely to require the use, where feasible, of wall-mounted road name plates attached to proposed dwellings.
- 13 The applicants are advised that, for the purposes of complying with Condition 36 above, the Local Planning Authority would be likely to require parking spaces to be marked with an aluminium or other metal plate, and for parking spaces to be demarcated by block paviors.
- 14 The applicants are advised that, in order to ensure that unacceptable air quality impacts do not result at the construction stage, all works should be undertaken in accordance with the mitigation measures set out within Section 6 of the submitted Air Quality Statement.
- 15 This decision is in accordance with the resolution of the Planning Committee 10 March 2015 and is subject to a Section 106 Obligation.

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Erection of seventeen affordable dwellings, with access on to Wyggeston Road and North Avenue, associated groundworks and landscaping

Report Item No
A2

Land Off North Avenue Coalville Leicestershire LE67 3QX

Application Reference
14/00991/FULM

Applicant:
Partner Construction Ltd

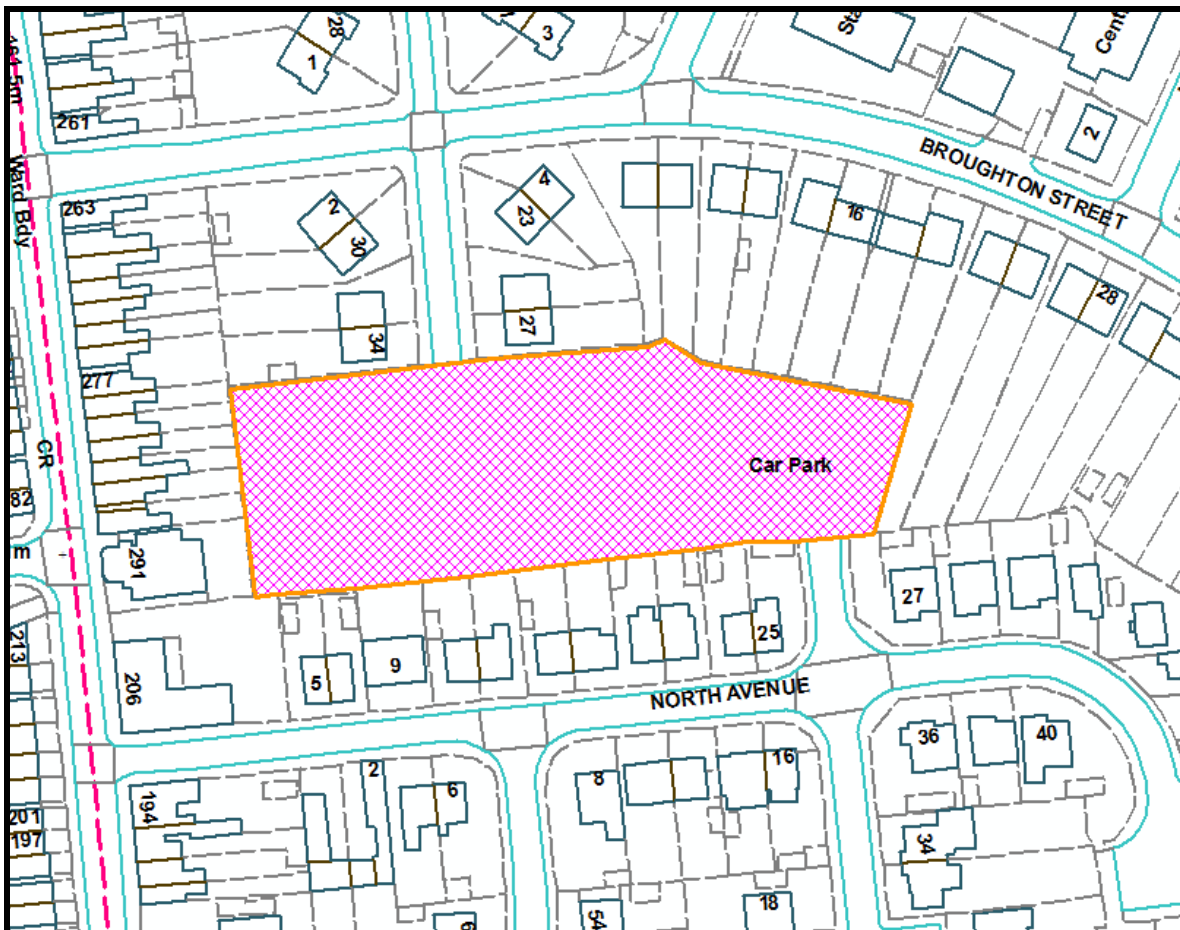
Date Registered
30 October 2014

Case Officer:
James Mattley

Target Decision Date
29 January 2015

Recommendation:
PERMIT Subject to a Section 106 Agreement

Site Location - Plan for indicative purposes only



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EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

Proposal

Planning permission is sought for the erection of 17 residential units with associated access points and parking. All of the proposed units would be provided as affordable housing.

Consultations

Members will see from the report below that some comments have been received from surrounding neighbours but no objections have been received from any statutory consultees.

Planning Policy

The application site lies within the limits to development and in a sustainable settlement where the principle of residential dwellings are considered to be acceptable. Also material to the determination of the application, however, is the supply of housing in the context of the National Planning Policy Framework (NPPF) and whether the scheme represents sustainable development.

Conclusion

The site is located in a sustainable settlement and the principle of the development is considered to be acceptable. The proposed development would be acceptable in terms of the residential amenities of existing and future occupiers, and would provide for an appropriate form of design that would be in keeping with the locality. The proposal would be acceptable in relation to highway safety subject to appropriate planning conditions. There are no other relevant material planning considerations that indicate planning permission should not be granted.

RECOMMENDATION:- PERMIT, SUBJECT TO THE IMPOSITION OF CONDITIONS AND SUBJECT TO A SECTION 106 AGREEMENT TO SECURE AFFORDABLE HOUSING ON THE SITE

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommended conditions, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. Proposals and Background

Planning permission is sought for the erection of seventeen affordable dwellings associated groundworks and landscaping on land to the north of North Avenue and to the south of Wyggeston Road. The land is currently in the ownership of North West Leicestershire District Council. The application site comprises of 0.26 ha of vacant land that was previously used for garaging and car parking provision associated with the surrounding area. The site is located in a predominantly residential area and is located within the limits to development.

All the dwellings would be provided as affordable dwellings. The proposal includes 4 x 1 bed units, 6 x 2 bed units and 7 x 3 bed units which would all be two-storey and comprise detached, semi-detached and terraced properties. The proposal would include for 12 affordable rented and 5 shared ownership properties. Access to plots 1-14 would be taken from Wyggeston Road with access to plots 15-17 gained off North Avenue.

Amended plans have been received during the course of the application to address concerns over the design of the scheme.

The application is accompanied by a sustainable construction statement, planning and affordable housing statement, phase 1 habitat survey report, building for life assessment, design and access statement and transport statement. In addition a viability report has been submitted which demonstrates that the scheme cannot make any further Section 106 contributions in addition to the contribution it makes to affordable housing provision.

Pre-application advice has been carried out prior to the formal submission of this application.

Planning History:

13/00846/DEM - Demolition of 26 garages - no objection.

2. Publicity

47 no neighbours have been notified (Date last notification 06 February 2015)

Press Notice published 19 November 2014

Site notice posted 11 November 2014

3. Consultations

NWLDC Urban Designer
 Hugglescote And Donington Le Heath Parish Council
 County Highway Authority
 Environment Agency
 Severn Trent Water Limited
 Head of Environmental Protection
 LCC ecology
 National Forest Company
 LCC Development Contributions
 NHS Leicester, Leicestershire And Rutland Facilities Management
 Head Of Leisure And Culture
 Manager Of Housing North West Leicestershire District Council

Police Architectural Liaison Officer
LCC/Footpaths

4. Summary of Representations Received Statutory Consultees

Hugglescote and Donington Le Heath Parish Council have no objections to the proposed development and comments that it is hoped that potential tenants should be taken from the local housing area.

County Ecologist has no objections to the application.

County Education requests a developer contribution of £37,748.91 towards Coalville Belvoirdale Primary School.

County Footpath Officer originally stated that he has no objections in principle to the proposed diversion but that it would be preferable for pedestrians to avoid having to negotiate the right angled turn shown on the originally submitted plan. This has now been amended and the County Footpath Officer has no objection in principle.

County Highway Authority has no objections subject to the inclusion of relevant planning conditions.

County Library Services requests a developer contribution of £880 towards Coalville Library.

County Waste Services requests a developer contribution of £1111 towards Coalville Civic Amenity Site.

Environment Agency has no objections to the application but states that Severn Trent Water should be consulted to ensure that sufficient drainage capacity is available.

Severn Trent Water has no objections to the proposal subject to the inclusion of drainage conditions.

Third Party Representations

A total of five number of representations have been received making the following comments:

- _ would the developer upgrade existing rear garden fences_;
- _ impact upon adjacent residential amenities;
- _ impact upon highway safety;
- _ developing the site will exacerbate parking problems elsewhere;
- _ construction traffic would cause disturbance and the local roads are inadequate for such vehicles;
- _ construction noise and pollution;
- _ impact of the proposal on property prices;
- _ mature trees should be planted as part of the landscaping scheme;
- _ developing the site could cause surface water run-off issues for existing residential properties.

5. Relevant Planning Policy

National Policies

National Planning Policy Framework

The NPPF (Paragraph 215) indicates that due weight should be given to relevant policies in existing development plans adopted before 2004 according to their degree of consistency with the Framework. The closer the policies in the development plan to the policies in the Framework, the greater weight they may be given.

Save where stated otherwise, the policies of the North West Leicestershire Local Plan as listed in the relevant section below are consistent with the policies in the NPPF and, save where indicated otherwise within the assessment below, should be afforded weight in the determination of this application.

The following sections of the NPPF are considered relevant to the determination of this application:

Paragraph 14 (Presumption in favour of sustainable development)
 Paragraph 17 (Core planning principles)
 Paragraph 32 (Promoting sustainable transport)
 Paragraph 34 (Promoting sustainable transport)
 Paragraph 47 (Delivering a wide choice of high quality homes)
 Paragraph 49 (Delivering a wide choice of high quality homes)
 Paragraph 57 (Requiring good design)
 Paragraph 59 (Requiring good design)
 Paragraph 60 (Requiring good design)
 Paragraph 61 (Requiring good design)
 Paragraph 100 (Meeting the challenge of climate change, flooding and coastal change)
 Paragraph 101 (Meeting the challenge of climate change, flooding and coastal change)
 Paragraph 103 (Meeting the challenge of climate change, flooding and coastal change)
 Paragraph 118 (Conserving and enhancing the natural environment)
 Paragraph 123 (Conserving and enhancing the natural environment)
 Paragraph 173 (Ensuring viability and delivery)
 Paragraph 203 (Planning conditions and obligations)
 Paragraph 204 (Planning conditions and obligations)

Adopted North West Leicestershire Local Plan (2002)

The application site is outside Limits to Development as defined in the adopted North West Leicestershire Local Plan. The following Local Plan policies are relevant to this application:

Policy S2 - Limits to Development
 Policy E3 - Residential Amenities
 Policy E4 - Design
 Policy E7 - Landscaping
 Policy E8 - Crime Prevention
 Policy F1 - National Forest General Policy
 Policy T3 - Highway Standards
 Policy T8 - Parking
 Policy H4/1 - Housing Land Release
 Policy H6 - Housing Density
 Policy H7 - Housing Design
 Policy H8 - Affordable Housing

Policy L21 - Children's Play Areas

Other Policies

North West Leicestershire District Council Affordable Housing SPD

Key Principle AH2 provides that affordable housing will be sought on all sites of 15 or more dwellings in the Coalville area.

Key Principle AH3 requires a minimum of 20% of residential units to be available as affordable housing within the Coalville area.

North West Leicestershire District Council Play Area Design Guidance SPG

The District Council's Play Area Design Guidance SPG sets out the relevant requirements in respect of children's play provision required in association with residential development.

6Cs Design Guide (Leicestershire County Council)

The 6Cs Design Guide sets out the County Highway Authority's requirements in respect of the design and layout of new development.

6. Assessment

Principle

The site is located within the limits to development where the principle of residential development is considered acceptable subject to compliance with the relevant policies of the adopted North West Leicestershire Local Plan and other material considerations.

Policy H4/1 of the Local Plan relating to the release of land for housing states that a sequential approach should be adopted. Whilst a sequential approach is outdated in the context of the NPPF, the sustainability credentials of the scheme would still need to be assessed against the NPPF.

The concept of new development being directed to locations that minimise reliance on the private motorcar is contained within the NPPF. The application site is located within Coalville which benefits from a range of local services/facilities and is accessible via public transport. Therefore the proposal is considered to score well against the sustainability advice in the NPPF.

The provision of 17 affordable dwellings on a brownfield site that would help to maintain the Council's housing land supply position would also count in favour of the scheme. Taking all of these issues into account, the proposal is considered acceptable in principle.

Density

Policy H6 of the North West Leicestershire Local Plan both seek to permit housing development which is of a type and design to achieve as high a net density as possible, taking into account factors such as housing mix, accessibility to centres and design. Policy H6 of the North West Leicestershire Local Plan also requires a minimum density of 40 dwellings per hectare within locations well served by public transport and accessible to services and a minimum of 30 dwellings per ha elsewhere. The NPPF states that Local Planning Authorities should set out their own approach to housing density to reflect local circumstances.

With a site area of 0.26 hectares, the proposal would have a density of 65 dwellings per

hectare. It is noted that the policy does not set a maximum density requirement and requires a minimum density of 40 dwellings per hectare in sustainable locations. On this basis, the scheme is not considered to conflict with Policy H6 of the Local Plan or the advice in the NPPF. Nevertheless, the Policy states that other considerations need to be taken into account including design which is considered in more detail below.

Design

The need for good design in new residential development is outlined not only in Local Plan Policy H7, but also paragraphs 57, 60 and 61 of the NPPF, with paragraph 61 outlining that although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment. Policy E4 indicates that in the determination of planning applications regard will be had to the wider settings of new buildings; new development should respect the character of its surrounding, in terms of scale, design, height, massing, materials of construction, the spaces between and around buildings and the street scene generally.

The surrounding area is characterised by a mixture of post-war residential properties. Properties along North Avenue consist primarily of two storey semi-detached houses, as well as a number of one-storey detached bungalows, and are characterised by modest sized front gardens set back from the road behind low fences and hedges. Properties along Broughton Road consist predominantly of two storey semi-detached houses, with some two storey terraced houses. Properties along Belvoir/Central Road are mainly two storey terraced houses and are characterised by a continuous linear building line. The scheme seeks to develop its own contemporary style in order to provide a distinctive character whilst respecting the scale of surrounding built development.

The scheme has been the subject of extensive discussions and negotiations with the District Council's Urban Designer at the pre-application advice stage and during the course of the application, and has been amended in order to address previously expressed concerns regarding the design quality of the scheme. The original concerns principally related to a lack of parking provision, house types that were neither distinctive or in keeping with the locality, poor architectural expression and a car dominated environment. The amended plans represent an improvement over the originally submitted plans although it would still be necessary to attach relevant planning conditions to ensure appropriate landscaping, quality of materials within the courtyard, lighting, surfacing and boundary treatments.

An existing pedestrian route through the site (N109) would be retained although this would be re-aligned. Amended plans have been received during the course of the application to ensure that the route of the footpath is direct and convenient for users. The scheme would include for surveillance towards the footpath and conditions can be attached to the granting of any planning permission to ensure an appropriate surface material and adequate lighting. No objections are raised to this element of the scheme from the Council's Urban Designer or the County Footpath Officer.

In terms of design issues, therefore, it is considered that the proposed dwellings are appropriate in this area, and the requirements of Local Plan Policies E4, H7 and the design advice in the NPPF are considered to be met by the scheme subject to the inclusion of relevant design conditions.

Residential Amenity

Consideration has been given to the impact of the development on surrounding residential properties. The most immediately affected dwellings would be located off Belvoir Road, North Avenue and Wyggeston Road.

Properties located to the north of North Avenue generally have rear gardens measuring 9-12 metres in length and the distance between the side elevations of Plots 5, 8 and 15 and the rear elevations of these properties would be between 11-15 metres. When having regard to these distances and the orientation of the existing and proposed dwellings, it is not considered that any significant overshadowing or overbearing issues would arise. Plots 5 and 8 would include for one first floor window on the side elevations but these windows would serve bathrooms and could be conditioned to be obscure glazed which would ensure that no significant overlooking issues would arise. Plots 6 and 7 would include for first floor habitable windows but these would be located further into the site and an acceptable first floor window distance of around 21 metres would be achieved with 11 and 13 North Avenue.

No.27 and 34 Wyggeston Road are both two storey properties located to the north of the site and each have first floor rear bedroom windows. The submitted site plan has marked on the commonly used 45 degree rule which is used to assess overbearing and overshadowing impacts upon first floor windows and this shows that the proposed plots would not be located within a 45 degree angle of these windows. Plot 1 would not include for first floor habitable windows on its side elevation and, therefore, no significant overlooking is considered to arise to the occupiers of No.34. Plots 12 and 13 would be located a sufficient distance away from the boundary with the rear garden of No.27 which would ensure that no significant overlooking issues would arise.

There is a church and residential properties located to the west of the site along Belvoir Road. Plots 1-2 would have rear gardens of approximately 17 metres in length and Plots 3-5 would have rear gardens of some 10 metres. It is considered that suitable back to back distances would be established in this area of the site and would ensure that no significant overlooking, overbearing or overshadowing issues would arise.

The first floor side elevation of Plot 17, which would contain only a bathroom window, would be located around 2.0 metres away from the boundary with the end of the rear gardens belonging to No.16 and 18 Broughton Street. These properties have rear garden lengths of some 28 metres and taking this into account it is not considered that any significant overlooking, overbearing or overshadowing issues would arise.

The blank side elevation of Plot 15 would be located around 1.0 metres away from the boundary with the end of the rear garden belonging to No.25 North Avenue and 13 metres away from first floor rear windows belonging to this property. This is considered to be an acceptable relationship and would not result in any significant overlooking, overbearing or overshadowing issues.

There would be comings and goings to the site from both Wyggeston Road and North Avenue but these are not considered to result in significant noise and disturbance to surrounding properties when having regard to the previous use that operated from the site. In coming to this conclusion it is noted that the Council's Environmental Protection team raises no objection to the proposed scheme.

In terms of the objections raised over construction noise it is considered that this is an inevitable

temporary, manifestation of any development project, which is not the concern of the planning system unless there would be exceptional amenity harm. It is not considered that exceptional amenity harm would arise in this instance and as noted above the Council's Environmental Protection team has not suggested the use of such a condition in this instance.

Having regard to all of the above, it is deemed that the development would not have any significant detrimental impact upon neighbouring residential amenities and is considered to be acceptable in relation to Policy E3 of the Local Plan.

Highway Safety

Vehicular access to the site would be provided from the two points on the existing highway network. A total of 5 dwellings would be accessed from North Avenue to the south of the site with the remaining 12 dwellings accessed from Broughton Street via Wyggeston Road. The County Highway Authority is satisfied with the highway safety aspects of the proposals subject to the inclusion of relevant planning conditions.

In terms of proposed parking, the Local Plan includes parking standards in the Annex (based on Leicestershire County Council parking standards) that seeks to ensure that no more than an average of 1.5 off-street car parking spaces are provided per dwelling, and were based on the advice contained in PPG3. PPG3 has now been superseded by the advice in the NPPF which is less prescriptive in terms of parking standards. The advice in the NPPF is that Local Planning Authorities should, amongst other things, take account of expected levels of car ownership, the type, mix, accessibility and use of the development and the opportunities for public transport. The County Council's 6C's design guide requires parking provision to be provided on the basis of location and size and type of housing.

A total of 33 car parking spaces are proposed which equates to an average of 1.94 car parking spaces per dwelling. This is considered an acceptable level of car parking when having regard to the size of the units and the distance to the Town Centre. It is noted that the County Highway Authority raises no objections to the level of car parking and the submitted layout is acceptable in this regard. On this basis, the level of car parking is considered to be acceptable.

In conclusion, the County Highway Authority has no objections to the proposed development subject to relevant highway conditions. Therefore, it is not considered that the proposal would conflict with highway safety policies T3 and T8 in the Local Plan or the advice in the NPPF.

Flood Risk and Drainage

The Environment Agency flood zone maps indicate that the site lies within Flood Zone 1, and on this basis the site would appear suitable for development in principle (and in flood risk sequential terms, would meet the requirements of the NPPF). Conditions would need to be attached to any planning permission to ensure that detailed and satisfactory surface water and foul drainage schemes are provided on the site.

Overall, in terms of issues of Flood Risk and Drainage, it is considered that the scheme is acceptable, and would provide for appropriate drainage solutions to accommodate the proposed development. In coming to this conclusion it is noted that the Environment Agency and Severn Trent Water raise no objections to the proposed development subject to the inclusion of relevant planning conditions and notes to applicant.

Developer Contributions

Paragraphs 203 and 204 of the NPPF set out the Government's policy in respect of planning obligations and, in particular, provide that planning obligations should be:

- necessary to make the proposed development acceptable in planning terms;
- directly related to the proposed development; and
- fairly and reasonably related in scale and kind to the proposed development.

Equivalent legislative tests are contained within the Community Infrastructure Levy (CIL) Regulations 2010.

In summary, the developer contributions required in respect of this application having regard to the requirements of the District Council's guidance and other service providers' requests are as follows:

- Provision of affordable housing (minimum of 20% including 12 affordable rented and 5 shared ownership)
- Payment of £37,748.91 to Leicestershire County Council in respect of primary school education
- Payment of £1,111 to Leicestershire County Council in respect of civic amenity
- Payment of £880 to Leicestershire County Council in respect of Libraries
- Provision of an on-site children's play area (including provision of a commuted sum in respect of future maintenance)
- Payment of the District and County Councils' Section 106 monitoring fees

Whilst the need for the contributions per se is not disputed, the applicants are of the view that, should all of the contributions requested above be sought, the scheme would become unviable. The applicants have therefore provided a viability assessment, and that has been reviewed on the Local Planning Authority's behalf by the District Valuer. The viability assessment indicates that as the scheme is for 100% affordable housing, the developer is unable to pay for any further contributions on the site and the District Valuer confirms that the findings in the viability assessment are accurate.

As such, it would appear that the District Council needs to consider whether the aim of securing a significant number of new affordable dwellings, which is strongly supported by the Council's Affordable Housing Enabler, outweighs the shortfall in contributions which would normally be sought in association with new residential development. Given that the District Valuer has agreed with the findings contained in the viability assessment, the view is taken that the significant benefits from the provision of additional affordable housing and contributing to the Council's housing land supply position would, on balance, be considered to outweigh the harm which the non-provision of the otherwise required developer contributions would result in.

The completed properties would be owned and managed by East Midlands Housing Group, who have an established track record in delivering high quality affordable homes, and would be allocated through the Leicestershire Sub Regional Choice Based Lettings Scheme, which prioritises those households with an evidenced district connection.

Other

The County Ecologist raises no objections to the submitted ecological information and the application is considered to be acceptable in terms of its impact upon protected species and any other ecological constraint on the site.

In terms of neighbour objections raised that have not already been addressed the impact of the proposal upon property prices is not a material planning consideration. A boundary treatment condition is recommended which would ensure that suitable boundary treatments are proposed to the site boundaries.

It would be necessary for the applicant's to enter into a Section 106 agreement to secure an all affordable housing scheme given that the viability assessment indicates that the scheme cannot afford to pay other developer contributions given the affordable nature of the scheme.

Conclusion

The site is located in a sustainable settlement and the principle of the development is considered to be acceptable. The proposed development would be acceptable in terms of the residential amenities of existing and future occupiers, and would provide for an appropriate form of design that would be in keeping with the locality. The proposal would be acceptable in relation to highway safety subject to appropriate planning conditions. There are no other relevant material planning considerations that indicate planning permission should not be granted.

The District Council's decision to grant planning permission arose following careful consideration of the development plan and all other relevant considerations.

Therefore, it is recommended that full planning permission be granted, subject to relevant planning conditions and legal obligations to ensure that affordable housing is provided on the site.

RECOMMENDATION - PERMIT, subject to the following conditions and subject to a legal agreement to ensure that affordable housing is provided on the site;

- 1 The development shall be begun before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The proposed development shall be carried out strictly in accordance with the following plans, unless otherwise required by a condition of this permission:

- _ PAR 121 PA 400 deposited with the local planning authority on 5 February 2015;
- _ PAR 121 PA 001 deposited with the local planning authority on 5 February 2015;
- _ PAR 121 PA 100 deposited with the local planning authority on 17 December 2014;
- _ PAR 121 PA 200 deposited with the local planning authority on 17 December 2014;
- _ PAR 121 PA 300 deposited with the local planning authority on 17 December 2014;
- _ PAR 121 PA 500 deposited with the local planning authority on 17 December 2014;

- _ PAR 121 PA 600 deposited with the local planning authority on 17 December 2014;
- _ PAR 121 SUR 001 deposited with the local planning authority on 30 October 2014;

Reason - To determine the scope of this permission.

- 3 Notwithstanding the submitted plans, nor Condition 2 above, no development shall commence on site until details/samples (as appropriate) of the:-
- i. bricks
 - ii. eaves and verges
 - iii. roofing materials
 - iv. rain water goods
 - v. windows and doors (including heads and cills)

have been submitted to and agreed in writing by the Local Planning Authority. Thereafter, the works shall be executed in accordance with that agreement.

Reason - To ensure that the works are executed in an appropriate manner given the prominence of the site.

- 4 Notwithstanding the submitted plans, nor Condition 2 above, no development shall commence on site until such time as precise details of the treatment of all hard surfaces have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason - To ensure the development provides for a satisfactory form of design, in the interest of amenity.

- 5 Notwithstanding the submitted plans, nor Condition 2 above, no development shall commence on the site until such time as a detailed scheme for the boundary treatment of the site has been submitted to and agreed in writing by the Local Planning Authority. The development hereby permitted shall not be brought into use until such time as the approved scheme has been implemented in full (unless an alternative timescale is first agreed in writing by the Local Planning Authority).

Reason - To preserve the amenities of the locality.

- 6 No development shall commence on site until such time as detailed finished floor levels and site levels (in relation to a fixed datum point and indicating surrounding land levels) have been submitted to and agreed in writing with the Local Planning Authority. The scheme shall be carried out in accordance with the agreed details.

Reason - To ensure appropriate land levels because finished floor levels have not been supplied with the application.

- 7 Notwithstanding the submitted plans, nor Condition 2 above, no dwelling shall be occupied until such time as precise details of the positioning and finishes of utility boxes to individual units have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason - To ensure an appropriate form of design.

- 8 No dwelling shall be occupied until such time as a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in the first planting and seeding season following the first occupation of the development hereby approved unless an alternative implementation programme is first agreed in writing with the Local Planning Authority. The scheme shall have particular regard to the treatment of the site boundaries.

Reason - To ensure satisfactory landscaping is provided within a reasonable period.

- 9 Any tree or shrub which may die, be removed or become seriously damaged shall be replaced in the first available planting season thereafter and during a period of 5 years from the first implementation of the approved landscaping scheme or relevant phase of the scheme, unless a variation to the landscaping scheme is agreed in writing with the Local Planning Authority.

Reason - To provide a reasonable period for the replacement of any trees.

- 10 The window units serving the first floor bathroom on Plots 1, 5, 8 and 17 shall be glazed with obscure glass to Pilkington Standard 3 (or equivalent) which shall thereafter be retained unless planning permission has first been granted by the Local Planning Authority.

Reason - To avoid the possibility of overlooking of the adjacent development.

- 11 No development shall commence on site until such time as a scheme for the parking courtyards, including numbering of spaces and illumination, has been submitted to and agreed in writing with the Local Planning Authority. The scheme shall be carried out in accordance with the agreed details.

Reason - To ensure the development provides for a satisfactory form of design, in the interest of amenity.

- 12 No development shall commence on site until such time as a lighting scheme for the pedestrian link has been submitted to and agreed in writing with the Local Planning Authority. The scheme shall be carried out in accordance with the agreed details.

Reason - To ensure the development provides for a satisfactory form of design, in the interest of amenity.

- 13 Notwithstanding the details shown on the approved plans, no development shall commence until details of any bin stores and any bin storage areas for the proposed units have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed scheme.

Reason - To ensure the development takes the form envisaged by the Local Planning Authority, in the interests of amenity and highway safety.

- 14 No development shall commence on site until provision has been made for the satisfactory disposal of foul and surface water from the site in accordance with a scheme which shall first have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason - To that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem.

- 15 Off-street car parking and turning facilities shall be provided within the application site in accordance with the details shown on drawing No. PAR 121 PA 001; the parking and turning areas shall be surfaced and marked out prior to the development being brought into use, and shall thereafter be so maintained at all times.

Reason - To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area and to enable vehicles to enter and leave the site in a forward direction in the interests of the safety of road users.

- 16 The accesses shall be provided in accordance with the details shown on drawing No. PAR 121 PA 001; the accesses shall be surfaced with tarmac, concrete or similar hard bound material (not loose aggregate) for a distance of at least 7 metres behind the highway boundary before first use of the development and once provided shall be so maintained at all times.

Reason - To enable vehicles to enter and leave the highway in a slow and controlled manner in the interests of general highway safety, to ensure that vehicles entering and leaving the site may pass each other clear of the highway and not cause problems or dangers within the highway and to reduce the possibility of deleterious material being deposited in the highway (loose stones etc.)

- 17 Before first use of the development hereby permitted, drainage shall be provided within the site such that surface water does not drain into the Public Highway and thereafter shall be so maintained.

Reason - To reduce the possibility of surface water from the site being deposited in the highway causing dangers to highway users.

- 18 No development shall commence on the site until such time as a construction traffic/site traffic management plan, including wheel cleansing facilities and vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and timetable.

Reason - To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard to road users, and to ensure that construction traffic/site traffic associated with the development does not lead to on-street parking problems in the area.

Notes to applicant

- 1 Your attention is drawn to the comments of the County Footpath Officer dated 20 November 2014 08:04.
- 2 Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management (SuDS). SuDS are an approach to managing surface water run-off which seeks to mimic natural drainage systems and retain water on or near the site as opposed to traditional drainage

approaches which involve piping water off site as quickly as possible. SuDS involve a range of techniques including soakaways, infiltration trenches, permeable pavements, grassed swales, green roofs, ponds and wetlands. SuDS offer significant advantages over conventional piped drainage systems in reducing flood risk by attenuating the rate and quantity of surface water run-off from a site, promoting groundwater recharge absorbing diffuse pollutants and improving water quality. Ponds, reedbeds and seasonally flooded grasslands can be particularly attractive features within public open spaces.

The variety of SuDS techniques available means that virtually any development should be able to include a scheme based around these principles and provide multiple benefits, reducing costs and maintenance needs.

All oil storage facilities, including any temporary or mobile containers utilised during or subsequent to the development, must comply with the Control of Pollution (Oil Storage) (England) Regulations 2001.

The Regulations apply to the storage of oil or fuel of any kind in any kind of container which is being used and stored above ground, including drums and mobile bowsers, situated outside a building and with a storage capacity which exceeds 200 litres. A person with custody or control of any oil or fuel breaching the Regulations will be guilty of a criminal offence. The penalties are a maximum fine of £5000 in Magistrates' Court or an unlimited fine in Crown Court. Further details of the Regulations are available from the Environment Agency.

The site lies with the catchment of the River Sence. Under the Water Framework Directive we have a duty to improve waters to Good Ecological Status. The River Sence is currently a deteriorating waterbody and therefore during and subsequent to the development, all precautions must be taken, and appropriate protective facilities installed to prevent the discharge, run-off, or seepage of any coloured, silted or contaminated waters from the site or its associated areas into any land drain, surface water sewer, ditch, watercourse or other controlled water either directly or indirectly. The protective measures must be installed at the very earliest stages of the development.

3 - In order to deliver a diversion of public footpath N109, you will be required to apply to North West Leicestershire District Council for it to make an appropriate order. The proposed diversion shown on drawing No. PAR 121 PA 001, and the proposed layout, will not be acceptable to Leicestershire County Council. Further details should be submitted for approval.

- The proposed roads do not conform to an acceptable standard for adoption and therefore it they will NOT be considered for adoption and future maintenance by the Highway Authority. The Highway Authority will, however, serve APCs in respect of all plots served by all the private roads within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge MUST be made before building commences. Please note that the Highway Authority has standards for private roads which will need to be complied with to ensure that the APC may be exempted and the monies returned. Failure to comply with these standards will mean that monies cannot be refunded. For further details see www.leics.gov.uk/htd or phone 0116 3057198. Signs should be erected within the site at the access advising people that the road is a private road with no highway rights over it. Details of the future maintenance of the private road should be submitted for the approval of the LPA before any dwelling is occupied.

- This planning permission does NOT allow you to carry out access alterations in the highway. Before such work can begin, separate permits or agreements will be required under the Highways Act 1980 from the Infrastructure Planning Team. For further information you are advised to visit the County Council website (www.leics.gov.uk/6CSDG), or email roadadoptions@leics.gov.uk.
 - Please be aware that Leicestershire County Council as Lead Local Flood Authority (LLFA) are currently not a statutory consultee to the planning process for drainage matters. If Schedule 3 of the Flood and Water Management Act 2010 is implemented Leicestershire County Council will become the SuDs Approval Body (SAB) and also a statutory consultee of the planning process. You will need to contact Leicestershire County Council if you have an aspiration for us to adopt any SuDs features associated with the development. Please e-mail roadadoptions@leics.gov.uk if you wish to discuss further.
- 4 Written requests to discharge one or more conditions on a planning permission must be accompanied by a fee of £97 per request. Please contact the Local Planning Authority on 01530 454666 for further details.
 - 5 Severn Trent Water advise that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development.
 - 6 Planning permission has been granted for this proposal. The Local Planning Authority acted pro-actively through positive engagement with the applicant at the pre-application stage and during the determination process which led to improvements to the scheme. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England)) Order 2010 (as amended).
 - 7 This decision is subject to a Section 106 Obligation to secure the provision of on-site affordable houses.
 - 8 In relation to Condition 4, the use of a Charcon Woburn Graphite Rumbled block or equivalent is recommended. The Local Planning Authority would also encourage the use of a permeable surfacing material.
 - 9 In relation to Condition 11, it is expected that the parking courtyards be illuminated by bollard lighting and that spaces should be numbered by metal plates rather than thermoplastic white markings.
 - 10 In relation to Condition 5, the Local Planning Authority would expect new boundary treatments to be erected on any site boundary that is currently in a poor state of repair and would expect brick walls to be erected on public facing boundaries.

Erection of one dwelling (outline - all matters reserved)

Report Item No
A3

Land To The Rear Of The George Inn Bakewell Lane
Coleorton Coalville Leicestershire LE67 8HF

Application Reference
15/00072/OUT

Applicant:
Mr & Mrs Jason Heathcote

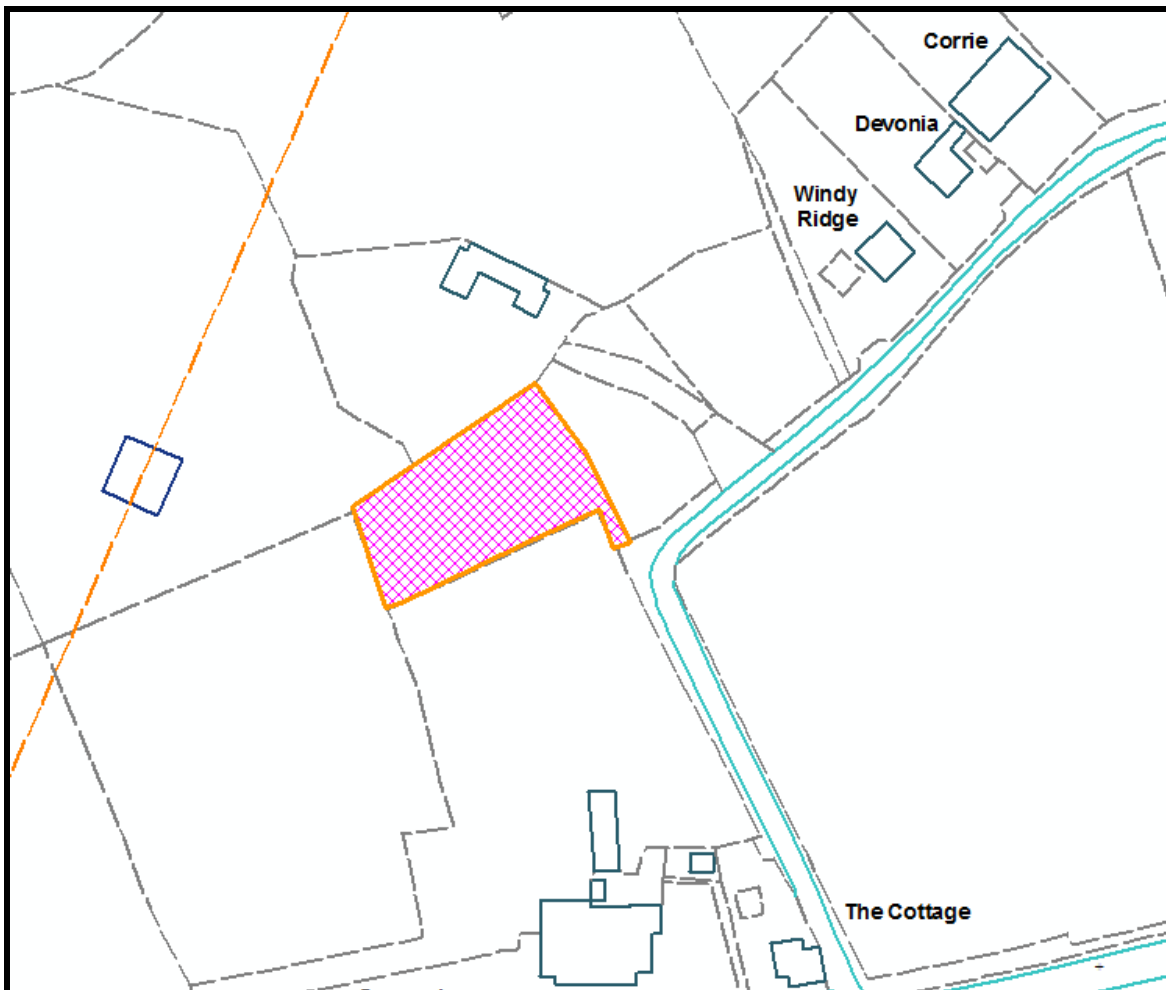
Date Registered
19 January 2015

Case Officer:
Adam Mellor

Target Decision Date
16 March 2015

Recommendation:
REFUSE

Site Location - Plan for indicative purposes only



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EXECUTIVE SUMMARY OF PROPOSALS

Call In

The application is brought to the Planning Committee at the request of Councillor Stevenson so that the local need for the dwelling can be appropriately assessed.

Proposal

Outline planning permission is sought for the erection of one dwelling (outline application - all matters reserved) at land to the rear of The George Inn, Bakewells Lane, Coleorton. The 0.08 hectare site is located 60.0 metres to the north of The George Inn and 13.0 metres to the south-west of existing stables and would be served by an existing vehicular access off Bakewells Lane. The site is situated outside the defined limits to development, as identified in the North West Leicestershire Local Plan, and the surrounding area is predominately open countryside with a sporadic form of residential dwellings situated to the north-east of the site on Bakewells Lane.

Consultations

No representations to the application have been received although Coleorton Parish Council has objected to the development. All other statutory consultees have no objections subject to the imposition of relevant conditions on any consent granted.

Planning Policy

It is considered that the development would result in conflict with the social and environmental strands of sustainability as well as Paragraphs 17, 55, 57, 60 and 61 of the National Planning Policy Framework and Policies S3, E4, H4/1 and H7 of the North West Leicestershire Local Plan.

Conclusion

The report below indicates that the site is a Greenfield site outside Limits to Development and that the area of Coleorton where the property would be located is not sustainable due to the site's proximity to an appropriate level of services.

It is considered that the proposed development would result in the provision of a dwelling on land outside the defined Limits to Development which would physically intrude into the rural environment and would be physically isolated from other substantial built forms and as such would represent unwarranted development in the countryside. A heavy reliance on the private car, an unsustainable mode of transport, for any future occupants to undertake their daily duties would also not support the move towards a low carbon economy or seek to use natural resources prudently. In these circumstances the proposed development of the site is unacceptable in principle and would conflict with the environmental strand of sustainability and Paragraphs 17 and 55 of the NPPF as well as Policies S3 and H4/1 of the Local Plan.

In addition, the site would not be situated within an acceptable walking distance of local services available within the sustainable part of Coleorton (Lower Moor Road) and as such the development of the site would not provide accessibility to an appropriate level of services which would contribute towards people's day to day needs and as such the development would also conflict with the social strand of sustainability as well as Paragraph 17 of the NPPF.

It is also considered that the development of the site for residential purposes would result in a form of development which would be prominent and isolated from other substantial forms of development, given its distance from neighbouring built forms and relationship with a public right

of way, and as such to permit the development would be contrary to the intentions of Paragraphs 57, 60 and 61 of the NPPF and Policies E4 and H7 of the Local Plan.

The introduction of the dwelling on Bakewells Lane has been assessed by the County Highways Authority who have concluded that it would result in a significant increase in the amount of vehicular movements, when taken cumulatively with existing movements, onto and off the A512 (Loughborough Road) at a junction which is substandard in its width and as such the turning manoeuvres would be an additional source of danger to road users. Bakewells Lane itself is also unsuitable in its width and design to cater for an increase in vehicular movements with the introduction of vehicular, pedestrian and cycle movements on a lane which lacks both footways and street lighting resulting in dangers to both pedestrians and vehicles. In these circumstances to permit the development would be contrary to the aims of Paragraph 32 of the NPPF and Policy T3 of the Local Plan.

It is therefore recommended that the application be refused.

RECOMMENDATION - REFUSE;

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.

Main Report

1. Proposals and Background

Outline planning permission is sought for the erection of one dwelling (outline application - all matters reserved) at land to the rear of The George Inn, Bakewells Lane, Coleorton. The 0.08 hectare site is located 60.0 metres to the north of The George Inn and 13.0 metres to the south-west of existing stables. The site is situated outside the defined limits to development, as identified in the North West Leicestershire Local Plan, and the surrounding area is predominately open countryside with a sporadic form of residential dwellings situated to the north-east of the site on Bakewells Lane.

No indicative position of a dwelling is shown on the submitted layout plan but vehicular access would be provided off an existing access located on a bend in Bakewells Lane at a distance of 87.0 metres from the junction of Bakewells Lane with Loughborough Road (A512). No information has been supplied on the potential scale of the dwelling apart from that one dwelling would be proposed which would provide four, or more, bedrooms.

Whilst the application is brought to the Planning Committee for an assessment to be made on the 'local need' for the dwelling it is noted that no supporting information has been supplied to demonstrate that the application is proposed to meet a local need nor has material been supplied to demonstrate that the potential 'needs' of the applicant could not be met from existing housing stock within the area, what the cost of any new build dwelling would be in relation to house prices within the surrounding area and whether any land within the defined limits to development would be available for such a development proposal.

A Phase 1 Protected Species Survey, Tree Report and Coal Mining Risk Assessment have been submitted in support of the application.

An outline application for the erection of a bungalow was refused on the 10th February 1988.

2. Publicity

5 no neighbours have been notified (Date of last notification 27 January 2015)

Site Notice displayed 5 February 2015

Press Notice published 11 February 2015

3. Consultations

County Highway Authority
 Coleorton Parish Council
 Severn Trent Water Limited
 Head of Environmental Protection
 NWLDC Tree Officer
 County Archaeologist
 LCC ecology
 LCC/Footpaths
 NWLDC Footpaths Officer
 Coal Authority

4. Summary of Representations Received

The following summary of representations is provided. Members will note that full copies of correspondence received are available on the planning file.

Coal Authority has no objections subject to the imposition of relevant conditions.

Coleorton Parish Council objects to the application on the basis that it is outside the current and proposed limits to development and could lead to unacceptable infill development in an area of open landscape.

Leicestershire County Council - Archaeology no representation received to date any comments will be reported to Members on the Committee Update Sheet.

Leicestershire County Council - Ecology has no objections subject to the imposition of conditions in respect of the retention of hedgerows and the timings of any site clearance.

Leicestershire County Council - Footpaths Officer has no objections subject to the proposal not affecting the public's use and enjoyment of footpath M82.

Leicestershire County Council - Highways Authority objects to the application on the basis that the proposal would lead to significant increases in vehicular traffic using a junction off the A512 which is unsuitable to accommodate additional movements with Bakewells Lane itself being inadequate in its width and design, as well as lacking pedestrian footways and street lighting, to accommodate additional movements.

NWLDC - Environmental Protection has no objections.

NWLDC - Footpaths Officer initially outlined that the boundary of the site in relation to public footpath M82 is not clear and as such it cannot be concluded whether there would be any necessity for a diversion order. Following clarification being provided, on the basis of the definitive maps supplied by the County Footpaths Officer, it has been determined that no diversion of footpath M82 will be necessary as it is outside the application site boundaries and as such no objections are raised.

NWLDC - Tree Officer no representation received to date any comments will be reported to Members on the Committee Update Sheet.

Severn Trent Water no representation received to date any comments will be reported to Members on the Committee Update Sheet.

Third Party Representations

No third party representations have been received to date. Any representations received from the publication of the Committee Agenda will be reported to Members on the Committee Update Sheet.

5. Relevant Planning Policy

National Policies

National Planning Policy Framework

The NPPF (Paragraph 215) indicates that due weight should be given to relevant policies in existing development plans adopted before 2004 according to their degree of consistency with the Framework. The closer the policies in the development plan to the policies in the

Framework, the greater weight they may be given.

Save where stated otherwise, the policies of the North West Leicestershire Local Plan as listed in the relevant section below are consistent with the policies in the NPPF and, save where indicated otherwise within the assessment below, should be afforded weight in the determination of this application.

The following sections of the NPPF are considered relevant to the determination of this application:

Paragraph 10 (Achieving sustainable development);
Paragraph 14 (Presumption in favour of sustainable development);
Paragraph 17 (Achieving sustainable development);
Paragraph 28 (Supporting a prosperous rural economy);
Paragraph 32 (Promoting sustainable transport);
Paragraph 49 (Delivering a wide choice of high quality homes);
Paragraph 53 (Delivering a wide choice of high quality homes);
Paragraph 55 (Delivering a wide choice of high quality homes);
Paragraph 57 (Requiring good design);
Paragraph 60 (Requiring good design);
Paragraph 61 (Requiring good design);
Paragraph 75 (Promoting healthy communities);
Paragraph 103 (Meeting the challenge of climate change, flooding and coastal change);
Paragraph 118 (Conserving and enhancing the natural environment);
Paragraph 120 (Conserving and enhancing the natural environment);
Paragraph 121 (Conserving and enhancing the natural environment);
Paragraph 203 (Planning conditions and obligations);
Paragraph 204 (Planning conditions and obligations);

Adopted North West Leicestershire Local Plan (2002)

The application site is within the Limits to Development as defined in the adopted North West Leicestershire Local Plan. The following Local Plan policies are relevant to this application:

Policy S3 - Countryside;
Policy E3 - Residential Amenities;
Policy E4 - Design;
Policy E7 - Landscaping;
Policy F1 - General Policy;
Policy F2 - Tree Planting;
Policy F3 - Landscaping and Planting;
Policy T3 - Highway Standards;
Policy T8 - Parking;
Policy H4/1 - Housing Land Release;
Policy H6 - Housing Density;
Policy H7 - Housing Design;

Other Policies

6Cs Design Guide (Leicestershire County Council)

The 6Cs Design Guide sets out the County Highway Authority's requirements in respect of the design and layout of new development;

Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System)

Circular 06/2005 sets out the procedures that local planning authorities should follow when considering applications within internationally designated sites and advises that they should have regard to the EC Birds and Habitats Directive in the exercise of their planning functions in order to fulfil the requirements of the Directive in respect of the land use planning system. The Circular sets out a flow chart for the consideration of development proposals potentially affecting European sites;

National Planning Practice Guidance

In March 2014 the Government published National Planning Practice Guidance (NPPG) to supplement the NPPF. The Guidance does not change national policy but offers practical guidance as to how such policy is to be applied.

6. Assessment

Principle of the Development

In terms of the principle of development, and in accordance with the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for the determination of the application is the Development Plan which, in this instance, includes the adopted North West Leicestershire Local Plan (2002 (as amended)).

In terms of the adopted North West Leicestershire Local Plan, the site is outside Limits to Development. Policy S3 sets out the circumstances in which development will be permitted outside Limits to Development; the development proposed would not meet the criteria for development in the countryside, and approval would therefore be contrary to the provisions of Policy S3.

Notwithstanding the countryside location of the site, in determining the application regard must be had to other material considerations, including other Development Plan policies and whether the proposal constitutes sustainable development.

Policy H4/1 of the Local Plan relating to the release of land for housing states that a sequential approach should be adopted. Whilst a sequential approach is outdated in the context of the NPPF, the sustainability credentials of the scheme would still need to be assessed against the NPPF.

Whether or not this site would be considered "appropriate," in the context of Policy H4/1, is a matter of judgement having regard to its location outside Limits to Development. This policy nevertheless sets out criteria relevant to release of land. Insofar as the site's location is concerned it is isolated from neighbouring built forms, as well as the defined limits for development of the Lower Moor Road part of Coleorton, and as such does not perform well in the context of Policy H4/1. However, this issue needs to be considered in the context of the need to maintain a five year housing land supply in the District. It is, therefore, considered inevitable that Greenfield land will need to be released in order to maintain a five year supply of deliverable sites.

Housing Land Supply and Limits to Development

The NPPF requires that the Council should be able to identify a five year supply of housing land with an additional buffer of 5% or 20% depending on its previous record of housing delivery.

In terms of the minimum amount of housing required to be provided within the District as a whole, a Strategic Housing Market Assessment (SHMA) undertaken on behalf of all of the

Leicestershire local planning authorities has provided the District Council with an up-to-date objectively assessed annual housing requirement, equating to 350 dwellings per annum. The approach used in the SHMA to establishing this Objectively Assessed Need (OAN) was supported by the Inspector who determined the appeal in respect of a site at Lower Packington Road, Ashby de la Zouch, issued in October 2014 and, based on the findings of the Inspector regarding the appropriate method of calculating supply, the District Council's latest housing supply trajectory indicates that, using the approach of the above annualised requirement with a 20% buffer, the District is currently able to demonstrate a supply of 6.08 years.

Having regard to the above and to the approach set out in Paragraph 49 of the NPPF, Local Plan Policy S3 is considered to be up-to-date in the context of Paragraph 49. However, given that the Limits to Development as defined in the adopted Local Plan were drawn having regard to housing requirements only up until the end of that Plan Period (i.e. to 2006), this needs to be taken into account when considering the weight to be applied to any conflict with this policy.

In addition, the NPPF's provisions do not specifically seek to preclude development within the countryside, and consideration must therefore be given to whether the proposals constitute sustainable development (including in its economic, social and environmental roles) given the presumption in favour of such as set out in the NPPF. These are set out in more detail below: -

Environmental

The NPPF outlines that the environmental role should contribute to *"protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy."*

The land is identified as paddock land and as such the development would result in the loss of Greenfield land which is identified in the adopted Local Plan as being countryside and as such the scheme would fail to protect or enhance the natural environment contrary to the intentions of Paragraph 17 of the NPPF and Policy S3. The proposed development of the site would also result in the provision of an isolated dwelling in the countryside, due to its detachment from built forms and the limits to development of Coleorton, for which no special circumstances exist for the allowance of the scheme, as such the development would also conflict with the intentions of Paragraph 55 of the NPPF.

It is also considered, taking into account the views of the Planning Inspectorate relating to a recent appeal decision at Tea Kettle Hall in Diseworth (APP/G2435/A/13/2208611), that due to the distance from shops, services and employment opportunities, as well as the limited bus service available to the site, that the private car would be the most likely mode of transport for the majority of trips to and from the proposed dwellings. This would involve lengthy trips in an unsustainable mode of transport for shopping, work and leisure purposes which again would conflict with the environmental aims of the NPPF which seek to use natural resources prudently and move towards a low carbon economy.

Social

The NPPF outlines that the social role should support *"strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being."*

The site lies adjacent to the boundary with a public house (George Inn) and would be in close proximity to bus stops outside the public house (at a distance of 133 metres from the centre of

the site) which provides access to Bus Service 9 (between Coalville and Burton on Trent) which is an hourly service every day of the week (last bus returning by 19:00 Monday - Saturday and 16:52 on Sunday). However, in respect of other services the site would be relatively isolated from the Post Office/shop (on Lower Moor Road, Coleorton), school (Viscount Beaumont Church of England School, Ashby Road), recreation services (Beaumont Centre, Nottingham Road, Peggs Green and Recreation Ground, Zion Hill, Peggs Green) and places of worship (St Marys Church, Ashby Road)

In the context of Paragraph 7 of the NPPF, which requires the supply of housing to be linked to accessible local services which meet the needs of the community and support its health, social and cultural wellbeing, it is considered that the location of the site would lead to future residents being relatively isolated from shops, medical services and cultural or recreational facilities. Whilst the bus service supplied along Loughborough Road (A512) is hourly to reach the bus stop would require a walk along an unlit section of Bakewells Lane which does not benefit from a pavement and as such would not be an attractive option for future residents. Access to private transport would, therefore, be a necessity for future occupiers of the development particularly in the evenings or at other times when the service is inconvenient. Public transport is also subject to the vagaries of the providers who could change the timetable at will.

As a consequence, in the terms of the social role as defined by the NPPF, the accessibility to a range of local services for residents of the proposed housing would be severely limited.

Economic

The NPPF outlines that the economic role should contribute to *"building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure."*

In the short term the construction of the development would provide opportunities for local employment and in the longer term a new house would help to support and underpin demand for available businesses and services by bringing people into the settlement.

Conclusions in respect of the Principle of Development and Planning Policy

Under Section 38(6) of the Planning and Compulsory Purchase Act 2004 applications are to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The NPPF is a material consideration and includes a presumption in favour of sustainable development.

The site is outside Limits to Development, as defined in the adopted North West Leicestershire Local Plan and, as such, the scheme would be in conflict with the relevant Development Plan and other policies designed to protect the countryside from inappropriate development, including Policy S3 which is a policy designated to protect the countryside for its own sake. Paragraph 17 of the NPPF also outlines that decisions should *"recognise the intrinsic character and beauty of the countryside,"* and it is considered that the physical intrusion into the countryside of this type of development, which would be significantly detached from the recognised limits to development, would be unwarranted and could potentially set a precedent for the further expansion of the settlement of Coleorton into the surrounding fields to the further detriment of the rural environment. Without any special justification for the provision of an isolated dwelling in this location there would also be conflict with Paragraph 55 of the NPPF. As a result the proposal conflicts with environmental strand of sustainability.

It is also considered that the development would conflict with the social strand of sustainability

given that future occupants of the dwelling would be heavily reliant on the private car to access the most basic of services given the proximity of the site to shops, medical facilities and cultural or recreational facilities.

In conclusion, therefore, any support to the economic strand of sustainability would be heavily outweighed by the substantial conflict with the environmental and social strands and as such the development of the site would be unacceptable in principle and would not represent sustainable development.

Density

Policy H6 of the North West Leicestershire Local Plan seeks to permit housing development which is of a type and design to achieve as high a net density as possible taking into account factors such as housing mix, accessibility to centres and design. Policy H6 of the North West Leicestershire Local Plan also requires a minimum density of 40 dwellings per hectare within locations well served by public transport and accessible to services and a minimum of 30 dwellings per hectare elsewhere.

With a site area of 0.08 hectares, the proposed development would have a density of 12.5 dwellings per hectare which would fall significantly below that advised in Policy H6. Whilst the density is significantly below that advised in Policy H6 it is considered important to factor into any assessment the principles of good design as well as green space and landscaping requirements. In the circumstances that the Local Authority would wish for the development to incorporate a strong landscaping scheme, given the sites location, and the provision of more dwellings would have a more substantial impact on the rural environment it is considered that the density proposed is considered to represent an efficient use of the land in this instance taking into account the need for good design and the potential size of the amenity area to the dwelling. In these circumstances the proposal would not substantially conflict with the principles of Policy H6 as to warrant a refusal of the planning permission.

Residential Amenity

Having regards to the site area shown on the submitted site location plan it is considered that it would be of a sufficient size to accommodate a residential dwelling with adequate amenity space and parking provision. Three detached residential properties lie to the north east of the site with the George Inn Public House and The Cottage (both on Loughborough Road) lying to the south east of the site.

The plot of land itself lies adjacent to the residential/pub garden of the George Inn as well as some stables with public footpath M82 running in close proximity to the north-eastern boundary. The closest residential elements to the site are those associated with the George Inn at a distance of 44.0 metres from the south-eastern site boundary which is defined by mature vegetation in the form of trees and hedgerows. Whilst, at this stage, no indicative position for the dwelling has been provided it is considered that the distance of the site boundary from the built form of the George Inn would ensure that there would be no adverse overbearing or overshadowing implications. The orientation of any dwelling, as well as the position of windows, could also be controlled under any subsequent reserved matters application to ensure that the proposal would not create any adverse overlooking impacts onto the residential/pub garden of the George Inn which is substantial in size.

In terms of the amenities of any future occupants of the proposed dwelling it is considered that the relationship with surrounding built forms would ensure that there would be no adverse overbearing or overshadowing impacts with any loss of privacy from the use of the residential/pub garden of the George Inn being mitigated by the provision of relevant boundary

treatments and retention of the vegetation. In respect of implications associated with noise generated by the use of the public house it is noted that the Council's Environmental Protection team have raised no objections to the application on this basis and, in any case, given that the public house is an existing building, any potential buyer of the new property would be aware of the relationship prior to the purchase.

Overall the development is considered to accord with the principles of Paragraph 123 of the NPPF and Policy E3 of the Local Plan.

Design

The need for good design in new residential development is outlined not only in Local Plan Policies E4 and H7 but also Paragraphs 57, 60 and 61 of the NPPF with Paragraph 61 outlining that although visual appearance and the architecture of individual buildings are very important factors, securing high quality design goes beyond aesthetic considerations. Therefore decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

It is noted that layout, scale, appearance and landscaping are all included as matters to be considered at a later stage. The existing properties on Bakewells Lane in close proximity to the site are set back from the highway but all have their principal elevations fronting onto the lane. At this stage the indicative position of any dwelling on the site has not been provided but it is clear that a residential development on this land would detract from the visual and rural amenity of the area due to its detachment from other substantial built forms, 40.0 metres from the George Inn and over 50.0 metres from Windy Ridge, and as such it would be viewed as an isolated and disconnected form of development. The potential orientation and position of any dwelling would also not respect the characteristics of residential properties on Bakewells Lane given its detachment from the highway.

Public footpath M82 runs to the north-east and north-west of the site and at present built development forms would be peripheral in views established from the footpath whereas the proposed development of the application site would be viewed directly, by virtue of the gaps in the vegetation, and as such this would further compound the isolated nature of the development proposal, although it would not impact sufficiently on the enjoyment of the public right of way.

Overall, therefore, a residential development on this site would result in a form of development which would be prominent and isolated from other substantial built forms and as such would be contrary to the intentions of Paragraphs 57, 60 and 61 of the NPPF as well as Policies E4 and H7 of the Local Plan.

Accessibility

It has been outlined, by the County Highways Authority, that there is an existing accident record at the junction of Bakewells Lane with the restricted (50 mph) Class I (A512) Loughborough Road and as such the introduction of an additional dwelling on Bakewells Lane would result in a significant increase in turning traffic using this junction, when viewed cumulatively with existing users of the highway, which has a substandard width. The width of the access could not be improved due to the relationship of the access with private boundaries. In these circumstances an increase in turning manoeuvres onto and off Loughborough Road at the junction with Bakewells Lane would be severely detrimental to the free and safe movement of vehicles on Loughborough Road as well as causing additional dangers to road users which would not be in the best interests of highway safety and therefore contrary to the aims of Paragraph 32 of the NPPF and Policy T3 of the Local Plan.

The introduction of a dwelling on Bakewells Lane would also result in additional vehicular, pedestrian and cycling movements on the highway which is unsuitable in its width and design to cater for this increase and which also lacks footways and street lighting within the vicinity of the site. In these circumstances the proposal would also result in additional dangers to pedestrian and vehicular movements on Bakewells Lane which would conflict with the intentions of Policy T3 of the Local Plan.

It is considered that sufficient off-street parking and manoeuvring facilities could be provided within the site boundaries to ensure that vehicles exit the site in a forward direction and that there would be no on-street parking problems on Bakewells Lane. As such there would be no conflict with Policy T8 of the Local Plan.

Public footpath M82 lies around 2.0 metres from the north-eastern boundary of the site and would not be affected, or be required to be diverted, as part of any development. On this basis the County Footpaths Officer and District Council Footpaths Officer have no objections subject to the inclusion of relevant notes to the applicant being imposed on any consent granted to make them aware of the proximity of the public footpath. In these circumstances there would be no conflict with the intentions of Paragraph 75 of the NPPF.

Landscaping

A tree survey has been submitted in support of the application which identifies that there are ten individual trees, two of which are identified as dead and one of which is outlined as poor, as well as an unmanaged hedgerow. Vegetation exists to all boundaries, with dense vegetation established around the vehicular access of the site, and ranges in height from 8 - 17 metres.

As the property is situated within the National Forest a strong landscaping scheme would be a necessity for the development with Policies E7 and F2 of the Local Plan seeking to ensure that existing vegetation is retained and enhanced. It is important to establish, at this stage, whether the site can accommodate a residential dwelling without undue harm to established vegetation which is desirable to retain and which contributes positively to the visual amenity of the area. It is also important to ensure that the amenities of any future occupants are protected and that there is not pressure placed on the removal of retained vegetation due to it restricting light to habitable areas of the dwelling or the rear amenity areas.

At this stage the Council's Tree Officer has not had an opportunity to assess the situation on the site, and provide any formal recommendations, and as such any comments provided in respect of this matter will be reported to Members on the Committee Update Sheet. An assessment on whether the development would accord with the intentions of Policies E7, F1, F2 and F3 of the Local Plan will also be made on the Committee Update Sheet.

Ecology

The County Council Ecologist has concluded that although the habitat survey was undertaken at the wrong time of the year (January 2015) the habitats on site are such that an adequate assessment of their value could be done at this time of the year. In this circumstance the County Council Ecologist has no objections subject to the imposition of relevant conditions on any consent granted to ensure that existing hedgerows are retained and managed, or suitable replacement hedgerows provided, and that site clearance is done outside of the bird nesting season. Should site clearance not be carried out within a year of the date of the 2015 survey than a revised badger survey would also be required. Subject to the imposition of these conditions on any consent granted it is considered that the development would not conflict with the principles of Paragraph 118 of the NPPF and Circular 06/05.

Other Matters

The Coal Authority has concluded that the recommendations of the Coal Mining Risk Assessment are satisfactory subject to the imposition of a condition on any consent granted for intrusive site investigations to be carried out to establish the presence of a recorded mine shaft prior to any reserved matters submission as this would inform the siting of the dwelling. Pre-commencement conditions would also be necessary for borehole investigations to be carried out and remedial works undertaken should there be a need to treat unrecorded shallow mine workings or the recorded mine entry. In the circumstances that the Coal Authority has no objections, subject to the imposition of relevant conditions, it is considered that the scheme would accord with the principles of Paragraphs 120 and 121 of the NPPF.

Conclusion

The report above indicates that the site is a Greenfield site outside Limits to Development and that the area of Coleorton where the property would be located is not sustainable due to the site's proximity to an appropriate level of services.

It is considered that the proposed development would result in the provision of a dwelling on land outside the defined Limits to Development which would physically intrude into the rural environment and would be physically isolated from other substantial built forms and as such would represent unwarranted development in the countryside. A heavy reliance on the private car, an unsustainable mode of transport, for any future occupants to undertake their daily duties would also not support the move towards a low carbon economy or seek to use natural resources prudently. In these circumstances the proposed development of the site is unacceptable in principle and would conflict with the environmental strand of sustainability and Paragraphs 17 and 55 of the NPPF as well as Policies S3 and H4/1 of the Local Plan.

In addition, the site would not be situated within an acceptable walking distance of local services available within the sustainable part of Coleorton (Lower Moor Road) and as such the development of the site would not provide accessibility to an appropriate level of services which would contribute towards people's day to day needs and as such the development would also conflict with the social strand of sustainability as well as Paragraph 17 of the NPPF.

It is also considered that the development of the site for residential purposes would result in a form of development which would be prominent and isolated from other substantial forms of development, given its distance from neighbouring built forms and relationship with a public right of way, and as such to permit the development would be contrary to the intentions of Paragraphs 57, 60 and 61 of the National Planning Policy Framework (NPPF) and Policies E4 and H7 of the adopted North West Leicestershire Local Plan.

The introduction of the dwelling on Bakewells Lane has been assessed by the County Highways Authority who have concluded that it would result in a significant increase in the amount of vehicular movements, when taken cumulatively with existing movements, onto and off the A512 (Loughborough Road) at a junction which is substandard in its width and as such the turning manoeuvres would be an additional source of danger to road users. Bakewells Lane itself is also unsuitable in its width and design to cater for an increase in vehicular movements with the introduction of vehicular, pedestrian and cycle movements on a lane which lacks both footways and street lighting resulting in dangers to both pedestrians and vehicles. In these circumstances to permit the development would be contrary to the aims of Paragraph 32 of the NPPF and Policy T3 of the Local Plan.

It is therefore recommended that the application be refused.

RECOMMENDATION - REFUSE, for the following reasons;

- 1 The proposed dwelling would be situated in an area of Coleorton whereby access to appropriate services would be fairly limited and as a result the dwelling would not be situated within a sustainable settlement. The application site is also on unallocated Greenfield land located outside the limits to development of Coleorton, as defined on the Proposals Map to the North West Leicestershire Local Plan. Policy S3 of the adopted North West Leicestershire Local Plan provides a presumption against non-essential residential development in the countryside. Paragraph 17 of the National Planning Policy Framework (NPPF) also indicates that planning should recognise the intrinsic character and beauty of the countryside with Paragraph 55 of the NPPF outlining that isolated homes in the countryside should be avoided. The NPPF also outlines that socially, development should provide the supply of housing required to meet the needs of present and future generations with accessible local services and the support of their health, social and cultural well being. Although the scheme would be considered acceptable in terms of the economic strand of sustainable development the scheme would fail the environmental and social strands as it would physically intrude into the rural environment, by virtue of its isolation from other substantial built forms of development, whilst also creating a development whereby future occupants would be heavily reliant on the private car to access the most basic of services, thereby leading to greater vehicular emissions and not supporting the approach to a low carbon economy. Insufficient local services to serve the basic needs of future residents would also lead to such residents being socially isolated. An approval, therefore, would be contrary to the environmental and social strands of sustainability enshrined within the NPPF, as well as Paragraphs 17 and 55 of the NPPF and Policies S3 and H4/1 of the adopted Local Plan.

- 2 It is considered that the development of the site for residential purposes would result in a form of development which would be prominent and isolated from other substantial forms of development, given its distance from neighbouring built forms and relationship with a public right of way, and as such would be detrimental to the visual and rural amenity of the surrounding area. Therefore, to permit the development would be contrary to the intentions of Paragraphs 57, 60 and 61 of the National Planning Policy Framework (NPPF) and Policies E4 and H7 of the adopted North West Leicestershire Local Plan.

- 3 Paragraph 32 of the National Planning Policy Framework (NPPF) outlines, amongst other things, that development should only be prevented or refused on transport grounds where the residual cumulative impact of development are severe. Policy T3 of the North West Leicestershire Local Plan (Local Plan) identifies that development will be permitted only where its highway design and layout make adequate provision for vehicular access and circulation, and servicing arrangements. It is concluded that the proposal would lead to a significant increase, when viewed cumulatively with existing movements, in turning traffic using a junction onto a restricted (50mph) Class I (A512) road where there is an existing accident record and where the turning manoeuvres would be an additional source of danger to road users which would not be in the interests of highway safety. There would also be a material increase in vehicular traffic at the junction of Bakewells Lane and the Class I Loughborough Road (A512), where the proximity of adjacent private boundaries are such that Bakewells Lane is substandard in its width and the turning manoeuvres would be an additional source of danger to road users which would not be in the interests of highway safety. In these circumstances the development would

be contrary to the aims of Paragraph 32 of the NPPF and Policy T3 of the Local Plan.

- 4 The proposal, if permitted, would also lead to additional traffic using Bakewells Lane, which is unsuitable in its width and design to cater for this increase which would not be in the best interests of highway safety. Bakewells Lane also lacks both footways and street lighting in the vicinity of the site and as such the development will introduce additional vehicular, pedestrian and possibly cycle movements via Bakewells Lane, including in the winter months in the hours of darkness, which would introduce additional dangers to road users. In these circumstances the development would be contrary to the aims of Policy T3 of the Local Plan.

Notes to applicant

- 1 Outline planning permission has been refused for this proposal for the clear reasons set out in this decision notice. It is considered that the application is not acceptable in principle and as such the Local Authority has not entered into dialogue to seek any amendments. The Local Planning Authority has therefore complied with the requirements of the National Planning Policy Framework (Paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended).

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Erection of one detached dwelling and creation of new access.

Report Item No
A4

Site Adjoining Recreation Ground Measham Road Moira Derby

Application Reference
14/01111/FUL

Applicant:
Mr J Cotton

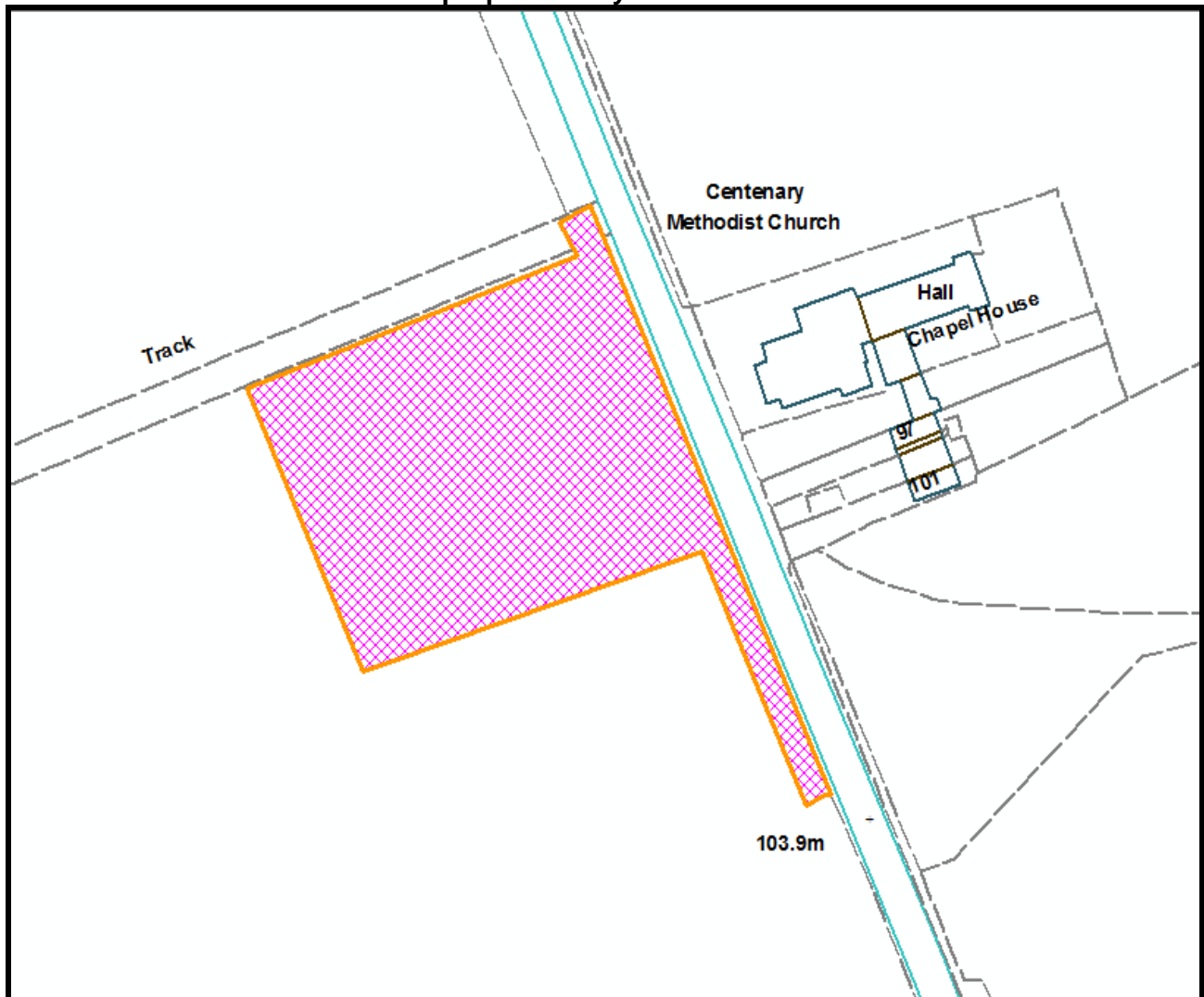
Date Registered
10 December 2014

Case Officer:
Ebony Mattley

Target Decision Date
4 February 2015

Recommendation:
PERMIT Subject to a Section 106 Agreement

Site Location - Plan for indicative purposes only



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Executive Summary of Proposals and Recommendation

Call In

The application is reported to the Planning Committee at the request of Councillor John Bridges on the grounds of highway safety.

Proposal

Planning permission is sought for the erection of a detached dwelling of four bed configuration at land adjoining the recreation ground at Measham Road, Moira.

Consultations

Members will see from the main report below, that with the exception of Ashby Woulds Town Council there have been no objections from statutory consultees.

Planning Policy

The application site lies outside the Limits to Development of Moira and Donisthorpe, as defined by the proposals map of the adopted Local Plan.

Conclusion

The NPPF specifically states that decision takers should consider housing applications in the context of the presumption in favour of sustainable development. Based on the above discussions, the proposed scheme is considered to comply with the core principles of the NPPF, and thus in principle, the development is considered acceptable.

The scheme does not give rise to any significant material impacts upon the occupiers of neighbouring dwellings, visual amenity and the character of the area, ecology or protected species or highway safety and would not be likely to have a significant effect on the internationally important interest features of the River Mease SAC, or any of the features of special scientific interest of the River Mease SSSI. There are no other material impacts identified, that would indicate that the proposal is not in compliance with the NPPF or local development plan policies.

RECOMMENDATION:-

PERMIT, SUBJECT TO A LEGAL AGREEMENT, AND SUBJECT TO THE IMPOSITION OF CONDITIONS

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies and the Officer's assessment, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. Proposals and Background

Planning permission is sought for the erection of a detached dwelling of four bed configuration at land at Measham Road, Moira. An application ref: 14/00752/FUL for a single detached dwelling was refused in November 2014.

This application differs from that previously refused by the following changes:-

- o Re-location of the dwelling to the sites frontage
- o Separate domestic vehicular access
- o Removal of the triple garage
- o Reduction in overall footprint and span of the dwelling
- o Reduction in rear garden
- o Reduction in the roof mass and design changes

The site is located outside Limits to Development, and within an area designated as an area of separation, as defined by the North West Leicestershire Local Plan Proposals Map 2002.

The application is accompanied by a Design and Access Statement, Biodiversity Report and a Coal Mining Risk Assessment.

Planning History:-

14/00752/FUL - Erection of detached dwelling, alterations to existing access and highway works
- Refused - 07.11.2014.

2. Publicity

7 no. neighbours have been notified (Date of last notification 17 December 2014)

Site Notice displayed 19 December 2014

3. Consultations

Ashby Woulds Town Council
County Highway Authority
Environment Agency
Severn Trent Water Limited
Head of Environmental Protection
County Archaeologist
LCC ecology
WARD MEMBER (delegated)2

4. Summary of Representations Received

The following summary of representations is provided.

Ashby Woulds Town Council objects on grounds of highway safety. AWTC consider Measham Road to be a busy road and particularly dangerous along this section where there are a number of existing hazards and visibility is poor.

Leicestershire County Council - Highways has no objection, subject to conditions.

Leicestershire County Council - Ecology has no objection, subject to a condition for the replacement hedgerow.

Severn Trent has no objection to the proposal.

Environment Agency does not wish to make any formal comment.

NWLDC Environmental Protection has no environmental observations.

Third Party Representations

No third party representations have been received.

5. Relevant Planning Policy

National Policies

National Planning Policy Framework

The NPPF (Paragraph 215) indicates that due weight should be given to relevant policies in existing development plans adopted before 2004 according to their degree of consistency with the Framework. The closer the policies in the development plan to the policies in the Framework, the greater weight they may be given.

Save where stated otherwise, the policies of the North West Leicestershire Local Plan as listed in the relevant section below are consistent with the policies in the NPPF and, save where indicated otherwise within the assessment below, should be afforded weight in the determination of this application.

The following sections of the NPPF are considered relevant to the determination of this application:

Paragraph 14 (Presumption in favour of sustainable development)
Paragraph 49 (Delivering a wide choice of high quality homes)
Paragraph 57 (Requiring good design)
Paragraph 64 (Requiring good design)

Adopted North West Leicestershire Local Plan (2002)

The application site is outside Limits to Development as defined in the adopted North West Leicestershire Local Plan. The following Local Plan policies are relevant to this application:

S3 - Countryside
H4/1 - Housing Land Release
E3 - Residential Amenities
E4 - Design
T3 - Highway Standards
T8 - Parking
E21 - Areas of Separation

Other Guidance

National Planning Practice Guidance - March 2014.

The Conservation of Habitats and Species Regulations 2010 (the 'Habitats Regulations').

Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System.

River Mease Water Quality Management Plan - August 2011.

River Mease Development Contributions Scheme - November 2012.

6Cs Design Guide (Leicestershire County Council)

The 6Cs Design Guide sets out the County Highway Authority's requirements in respect of the design and layout of new development.

6. Assessment

The main issues for consideration in the determination of this application relate to the principle of development, layout and design, impact upon residential amenity, highway considerations, ecology and impact upon the River Mease Special Area of Conservation/SSSI.

Principle of Development

The previous application ref: 14/00752/FUL was refused for the following reason:-

"The introduction of this residential development of this un-developed Greenfield site, in this countryside location, not well related to nearby development, outside of the defined limits of Moira and Donisthorpe, remote from the services they contain, would result in an unsustainable, isolated form of development, without any overriding need, justification of special circumstance and therefore an un-justified harm to the intrinsic character and beauty of the countryside. The scheme is therefore considered contrary to the requirement of Saved Policies S3, H4/1 of the North West Leicestershire Local Plan and Paragraphs 17 and 55 of the National Planning Policy Framework."

Insofar as the principle of development is concerned, and in accordance with the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for the determination of the application is the Development Plan which, in this instance, includes the adopted North West Leicestershire Local Plan (2002 (as amended)).

The application site lies outside the Limits to Development of Moira and Donsithorpe, as defined by the proposals map of the adopted Local Plan. Schemes outside Limits to Development fall to be considered against Saved Policy S3 of the Local Plan. The application proposes new residential development and as the scheme fails to meet the criteria for development in this policy. Accordingly as the development proposed would not meet the criteria for development in the countryside and the scheme would therefore be contrary to the provisions of S3.

Whether or not this site would be considered "appropriate" is a matter of judgement. There are already the existence of residential properties opposite the site entrance, to the east of Measham Road, with three residential properties in the vicinity of the corner between Measham Road and School Street. Accordingly there is already the existence of two clusters of existing residential development nearby. The site is therefore bordered by residential development to the east and closely related to residential development to the south and on this basis is not therefore considered to be isolated development in the countryside.

Whilst the applicant is not seeking consent for an agricultural workers dwelling, the applicant and his family are in agricultural operations, with the family farm within the vicinity. The applicant has provided information to demonstrate the farm land in their ownership and the use of the dwelling would be purely to be live in close proximity to assist in the employment of his mother's farm. Furthermore within the previous application ref: 14/00752/FUL four letters and a petition containing 68 signatures were received, all in support of the application. The reasons for support were not limited to, but included the applicant, assisting and benefiting the community.

Notwithstanding the site's countryside location, in determining the application regard must be had to other material considerations, including other Development Plan policies and whether the proposal constitutes sustainable development (including in its economic, social and environmental roles) given the presumption in favour of such as set out in the NPPF.

Policy H4/1 of the Local Plan relating to the release of land for housing states that a sequential approach should be adopted. Whilst a sequential approach is outdated in the context of the NPPF, the sustainability credentials of the scheme would still need to be assessed against the NPPF.

The concept of new development being directed to locations that minimise reliance on the private motorcar is contained within the NPPF. The site is located to the south of Moira and to the north of Donisthorpe. The settlements of Moira and Donisthorpe benefit from a range of local services and since the determination of the last application, a local convenience store has opened in Donisthorpe.

Below are the approximate distances from the front of the site to local facilities and services via the existing footway network along the eastern side of Measham Road.

Methodist Church (opposite the side on Measham Road)
 Leisure/Community - 110 metres (adjacent to the site - Recreation Ground, Measham Road)
 Bus Stop - 110 metres (opposite entrance to the Recreation Ground)
 Public House - 550 metres (Rawdon Arms, Moira)
 Shop/Post Office - 775 metres (Ashby Road, Moira, opposite Station Drive)
 Local Convenience Store/Shop - 980 metres (corner of Ashby Road and Measham Road, Donisthorpe)
 Public House - 1,010 (Masons Arms, Donsithorpe)
 School - 1,270 metres (Ashby Road, Donisthorpe)

In terms of distance to amenities, the Institute of Highways and Transportation (IHT) document 'Providing for Journeys on Foot' details the distance of 800 metres is considered to be the preferred maximum walking distance to a town centre with 400 metres acceptable and 200 metres being desirable. Whilst the Primary School would exceed the 'maximum' walking distance, the Methodist Church, Recreation Ground and Bus stop fall within the 'desirable' walking distance, with the Public House and Shop/Post Office being within the 'maximum' walking distance. In addition, whilst some are outside the preferred maximum walking distance, they could be accessed by an existing footpath.

The proposal for the erection of a new residential dwelling in this location is therefore, considered to score well against the sustainability advice in the NPPF.

Policy E21 states development will not be permitted which result in the reduction in the physical separation between the built up areas of Donisthorpe and Moira. This application is for a single dwelling on a relatively small parcel of land between the two settlements and does not lead to

the reduction in the physical separation between the two built up areas.

In summary, notwithstanding the conflict with the provisions of Policy S3 of the Local Plan, when having regard to the sustainability credentials of the two nearest settlements and the site itself, along with the fact that the site is well related to existing built development, the development of countryside land is considered acceptable in this instance and the previous reason for refusal is considered to have been overcome in this case.

Layout and Design

Local Plan Policy E4 indicates that in the determination of planning applications regard will be had to the wider settings of new buildings; new development should respect the character of its surrounding, in terms of scale, design, height, massing, materials of construction, the spaces between and around buildings and the street scene generally.

There is the existence of residential properties opposite the site entrance, to the east of Measham Road, which are set back from the road frontage, but front Measham Road. To the south of the site are three residential properties in the vicinity of the corner between Measham Road and School Street. Within the exception of No. 6 School Road, No's 4 and 19 are sited close to the road frontage. It is therefore considered that the two clusters of existing residential development nearby, are closely related to the roads in which they are accessed from, and that this is the established pattern of existing residential development in the immediate vicinity of the site.

The application was previously refused for the following reason:-

"By virtue of its isolated, backland location will result in a pattern of development that fails to respect the established frontage character of the surrounding area and will therefore be harmful to the character of the locality and the dwelling by virtue of its scale and mass, and design would not be sympathetic to the character and appearance of this countryside setting. The scheme is not therefore considered to be of such an exceptional quality or innovative nature of design that would meet the requirements of Paragraph 55 of the NPPF and is considered to be contrary to Saved Local Plan Policy E4 and Paragraph 64 of the National Planning Policy Framework."

This application no longer proposes a dwelling in a set back, backland location. The application proposes a dwelling which is sited to the front of the site, facing the highway and forms frontage development.

The length of the front of the site is consistent with that of the existing development to the east of Measham Road and the boundary of the rear garden area does not project any further to the west and encroach into the countryside, over and above that of the curtilages of existing residential development on School Lane.

In respect of scale, mass and design, the proposed dwelling has been reduced in scale and mass, and proposes fenestration detailing to add interest.

Overall this proposed development accords with the general siting of existing dwellings within the vicinity, ensuring that the development appears in keeping with the scale and character of existing dwellings and the reduced scale and design approach is considered acceptable.

Impact upon Residential Amenity

There is considered sufficient distance, complete with an over the road relationship between the proposed dwelling and the nearest residential properties No's 95,97,99,101 and Chapel House, Measham Road, and to the rear of No'4 and 6 School Lane, to ensure no significant overlooking, overshadowing or overbearing impacts.

Overall, it is considered that the development would not have any significant detrimental impact upon neighbouring residential amenities and the proposal is considered to be acceptable in relation to Policy E3 (Residential Amenity) of the Local Plan.

Highway Considerations

A new vehicular access is proposed from Measham Road, with the existing access retained for as an agricultural access and the scheme provides sufficient parking and turning within the site.

In response to the objection raised by Ashby Woulds Town Council the County Highway Authority (CHA) raises no objections, subject to the imposition of planning conditions.

In summary, subject to the imposition of conditions it is considered that the scheme is acceptable in relation to Saved Policies T3 and T8 of the Local Plan.

Ecology

The application has been accompanied by a Biodiversity Report, which has been considered by the County Ecologist who has no objections to the application, subject to the replacement of the roadside hedge being undertaken outside of the bird-nesting season and with a new native-species hedge. During the course of the application, amended plans have been submitted to revise the species mix, in accordance with the Ecologist's recommendations.

Impact on the River Mease Special Area of Conservation/SSSI

The site lies within the catchment area of the River Mease Special Area of Conservation (SAC). Discharge from the sewage treatment works within the SAC catchment area is a major contributor to the phosphate levels in the river. Therefore an assessment of whether the proposal would have a significant effect on the SAC is required.

The River Mease Developer Contribution Scheme (DCS) has been produced to meet one of the actions of the River Mease Water Quality Management Plan (WQMP). The DCS advises that all new development which contributes additional wastewater to the foul water catchment areas of the treatment works within the SAC catchment area will be subject to a developer contribution. The DCS is considered to meet the three tests of the 2010 CIL Regulations and paragraph 204 of the NPPF.

A contribution under the River Mease DCS is required but an exact figure for the contribution cannot be determined at this stage, as the code levels of the dwelling has not been finalised. The contribution would be based on the provision of a four bedroomed dwelling and dependent upon the code level would cost between £236 and £354. A Unilateral Undertaking would be worded as such to allow flexibility based on the construction code levels.

The flows from the proposed dwellings need to be taken into account against the existing headroom at Donisthorpe Treatment Works. Where there is no existing capacity at the time of

determination a condition is proposed which seeks to prevent occupation of the proposed dwellings until additional capacity has been provided at Donisthorpe Treatment Works.

Accordingly whilst there is no current capacity at Donisthorpe, in time Severn Trent will facilitate the transfer of some capacity to treatment works (Packington and Snarestone) to create such capacity for the 1 dwelling. As such a reason for refusal based on limited capacity at the treatment works could not be justified.

Therefore based on the above it can be ascertained that the proposal site would not, either alone or in combination with other plans or projects, have a significant effect on the internationally important interest features of the River Mease SAC, or any of the features of special scientific interest of the River Mease SSSI.

Conclusion

The NPPF specifically states that decision takers should consider housing applications in the context of the presumption in favour of sustainable development. Based on the above discussions, the proposed scheme is considered to comply with the core principles of the NPPF, and thus in principle, the development is considered acceptable.

The scheme does not give rise to any significant material impacts upon the occupiers of neighbouring dwellings, visual amenity and the character of the area, ecology or protected species or highway safety and would not be likely to have a significant effect on the internationally important interest features of the River Mease SAC, or any of the features of special scientific interest of the River Mease SSSI. There are no other material impacts identified, that would indicate that the proposal is not in compliance with the NPPF or local development plan policies.

A legal agreement is currently under negotiation and subject to the acceptability of this, it is recommended that planning permission be granted, subject to the imposition of planning conditions.

RECOMMENDATION:- Permit, subject to a legal agreement and the following conditions:-

- 1 The development shall be begun before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The proposed development shall be carried out strictly in accordance with the following plans, unless otherwise required by a condition of this permission: Location Plan Drawing No. 14.118_OS 1:2500; Location Plan Drawing No. 14.118_OS 1:1250; Floor Plans Drawing No. 14.118.09 and Elevations Drawing No. 14.118.10 received by the Local Planning Authority on 10 December 2014 and amended details: Site Plan and Details Drawing No. 14.118.11 A received by the Local Planning Authority on 13 January 2015.

Reason - For the avoidance of doubt and to determine the scope of the permission.

- 3 The dwelling hereby approved shall be constructed in Baggeridge Oast Russet bricks and Staffordshire Blue Plain Clay roof tiles. The works shall be undertaken in

accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason - To enable the Local Planning Authority to retain control over the external appearance in the absence of details.

- 4 The finished ground and floor levels shall be carried out in accordance with 'Site Plan and Details' Drawing No. 14.118.11 A received by the Local Planning Authority on 13 January 2015, unless otherwise agreed in writing by the Local Planning Authority.

Reason- To ensure the development takes the form envisaged by the Local Planning Authority.

- 5 Prior to the first occupation of the dwelling hereby approved, the boundary treatments as set out in 'Site Plan and Details' Drawing No. 14.118.11 A received by the Local Planning Authority on 13 January 2015 shall be implemented, unless otherwise agreed in writing by the Local Planning Authority.

Reason - To preserve the amenities of the locality.

- 6 The species mix for the replacement hedgerow and shrub planting shall be undertaken in accordance with the landscaping specification with the 'Site Plan and Details' Drawing No. 14.118.11 A received by the Local Planning Authority on 13 January 2015. The replacement hedgerow and shrub planting shall be implemented in the first planting and seeding season following either the first implementation of the use hereby permitted unless an alternative implementation programme is first agreed in writing with the Local Planning Authority. Any planting which may die, be removed or become seriously damaged shall be replaced in the first available planting season thereafter and during a period of 5 years from the first implementation.

Reason- To ensure satisfactory landscaping is provided within a reasonable period and to provide a reasonable period for the replacement of any trees.

- 7 The window serving a bathroom and en-suites at first floor shall be glazed with obscure glass to Pilkington Standard 3 (or equivalent) which shall thereafter be retained unless planning permission has first been granted by the Local Planning Authority.

Reason- To ensure that the development is not detrimental to the privacy and amenities of the neighbouring property.

- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended by (Amendment) (No.2) (England) Order 2008 (or any order revoking or re-enacting that Order with or without modification) development within Schedule 2, Part 1 Classes A to E inclusive shall not be carried out on the residential units unless planning permission for such development has first been granted by the Local Planning Authority.

Reason - In the interests of visual amenity and impact upon the character and appearance of the countryside.

- 9 The dwelling hereby approved shall only use the mains sewer system for their foul drainage discharge.

Reason- Any other means of dealing with foul discharge could have an adverse impact on the River Mease Special Area of Conservation.

- 10 Before first occupation of the dwelling hereby approved, the surface water shall be disposed from the site to soakaways or another sustainable drainage system, unless it is first agreed in writing with the Local Planning Authority that these suggested means of drainage are not suitable for the site and surface water discharge would be to the mains sewer.

Reason- To prevent an adverse impact on the River Mease Special Area of Conservation.

- 11 The dwelling hereby approved shall not be occupied until, within a period of four months prior to occupation, the Local Planning Authority (in consultation with Severn Trent Water) has confirmation in writing that there is sufficient headroom capacity available at Donisthorpe Waste Water Treatment Works or elsewhere within Severn Trent Water's sewer system to take the foul drainage discharge from the dwelling hereby approved.

Reason - To ensure sufficient capacity is available at the treatment works and to prevent an adverse impact on the River Mease Special Area of Conservation/SSSI.

- 12 Before first occupation of the dwelling hereby permitted, visibility splays of 2.4 metres by 91 metres shall be provided at the junction of the new access and the existing agricultural access with Measham Road. These shall be in accordance with the standards contained in the current County Council design guide and shall thereafter be permanently so maintained. Nothing shall be allowed to grow above a height of 0.6 metres above ground level within the visibility splays.

Reason: To afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety.

- 13 Before the start of the development, facilities shall be provided and maintained during the carrying out of the development to enable vehicle wheels to be washed prior to the vehicle entering the public highway. Such facilities shall be used as necessary to prevent extraneous material being carried out onto the highway.

Reason - To reduce the possibility of deleterious material (mud, stones etc) being deposited in the highway and becoming a hazard for road users.

- 14 Before first occupation of the dwelling hereby permitted, turning facilities shall be provided, hard surfaced and made available for use within the site in order to allow vehicles to enter and leave in a forward direction. The turning area so provided shall not be obstructed and shall thereafter be permanently so maintained.

Reason: To enable vehicles to enter and leave the site in a forward direction in the interests of the safety of road users.

- 15 Before first occupation of any dwelling, car parking shall be provided, hard surfaced and made available for use to serve that dwelling on the basis of 3 spaces for a dwelling with four or more bedrooms. The parking spaces so provided shall thereafter be permanently so maintained.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area.

- 16 Before first occupation of the dwelling, its access drive the agricultural access, and any turning space shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 10 metres behind the highway boundary and shall be so maintained at all times.

Reason: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.)

- 17 For the period of the construction of the development, vehicle parking facilities shall be provided within the site and all vehicles associated with the development shall be parked within the site.

Reason - To ensure that adequate off-street parking provision is made to reduce the possibilities of development of the site leading to on-street parking problems in the area during construction.

- 18 If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected they shall be set back a minimum distance of 10 metres behind the highway boundary and shall be hung so as not to open outwards.

Reason: To enable a vehicle to stand clear of the highway whilst the gates are opened/closed and protect the free and safe passage of traffic, including pedestrians, in the public highway.

- 19 The existing agricultural access shall be a minimum of 4.25 metres wide for at least the first 10 metres behind the highway boundary and have a drop crossing of a minimum size as shown in Figure DG20 of the 6CsDG at its junction with the adopted road carriageway. The new residential access shall be a minimum of 3.0 metres wide and have a drop crossing of a minimum size as shown in figure DG20 of the 6CsDG at its junction with the adopted road carriageway. Both access drives shall be provided before any dwelling hereby permitted is first occupied and shall thereafter be permanently so maintained.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway and not cause problems or dangers within the highway.

Notes to applicant

- 1 Planning permission has been granted for this proposal. The Local Planning Authority acted pro-actively through early engagement with the applicant at the pre-application stage which led to improvements to the scheme. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended).
- 2 The hedgerow should be removed outside of the bird-nesting season (March - August). It is an offence under Section 1 of the Wildlife and Countryside Act of 1981 to intentionally take, damage or destroy the nest of any wild bird while it is in use or being built.

APPENDIX TO THE REPORT OF THE HEAD OF PLANNING AND REGENERATION

SUMMARY OF RELEVANT NATIONAL AND LOCAL PLANNING POLICIES AND MATERIAL CONSIDERATIONS

NATIONAL PLANNING POLICIES

National Planning Policy Framework

The NPPF reiterates the statutory requirement that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions. It also states that the document should be read in conjunction with the policy statement on Gypsies and Travellers.

Achieving sustainable development –

The purpose of the planning system is to contribute to the achievement of sustainable development. There are 3 dimensions to sustainable development:

- An economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places to support growth and innovation;
- A social role – supporting strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations, and by creating a high quality built development with accessible local services; and,
- An environmental role – contributing to protecting and enhancing our natural, built and historic environment.

At the heart of the NPPF is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision making.

For decision making the following key paragraphs are:

Paragraph 14 sets out the presumption in favour of sustainable development and, in respect of decision making, provides that, unless material considerations indicate otherwise, states that "this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out of date, granting permission unless:
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted."

Paragraph 17 sets out 12 core land use planning principles which should underpin both plan making and decision taking.

Building a strong, competitive economy

- "19 The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system."
- "20 To help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century."

Ensuring the vitality of town centres

- "24 Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale."
- "26 When assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 sq m). This should include assessment of:
- the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
 - the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made."
- "27 Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused."

Supporting a prosperous rural economy

- "28 Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:
- support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings..."

Promoting sustainable transport

- "32 All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:
- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
 - safe and suitable access to the site can be achieved for all people; and
 - improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe."
- "34 Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. However this needs to take account of policies set out elsewhere in this Framework, particularly in rural areas."
- "38 For larger scale residential developments in particular, planning policies should promote a mix of uses in order to provide opportunities to undertake day-to-day activities including work on site. Where practical, particularly within large-scale developments, key facilities such as primary schools and local shops should be located within walking distance of most properties."

Delivering a wide choice of high quality homes

- "47 To boost significantly the supply of housing, local planning authorities should:
- ...- identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land..."
- "49 Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites."

Requiring good design

- "57 It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes."
- "58 Planning policies and decisions should aim to ensure that developments:
- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
 - optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other

- public space as part of developments) and support local facilities and transport networks;
 - respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
 - create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and
 - are visually attractive as a result of good architecture and appropriate landscaping."
- "59 Local planning authorities should consider using design codes where they could help deliver high quality outcomes. However, design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally."
- "60 Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness."
- "61 Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment."
- "64 Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions."

Meeting the challenge of climate change, flooding and coastal change

- "100 Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere."
- "101 The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. The Strategic Flood Risk Assessment will provide the basis for applying this test. A sequential approach should be used in areas known to be at risk from any form of flooding."
- "103 When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere..."

Conserving and enhancing the natural environment

- "109 The planning system should contribute to and enhance the natural and local environment by:
- protecting and enhancing valued landscapes, geological conservation interests and soils;
 - recognising the wider benefits of ecosystem services;
 - minimising impacts on biodiversity and providing net gains in biodiversity

- where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and
 - remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate."
- "112 Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality."
- "118 When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:
- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
 - proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site's notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest; ...
 - ...- opportunities to incorporate biodiversity in and around developments should be encouraged..."
- "121 Planning policies and decisions should also ensure that:
- the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation;...
 - adequate site investigation information, prepared by a competent person, is presented."
- "123 Planning policies and decisions should aim to...avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development..."
- "124 Planning policies should sustain compliance with and contribute towards EU limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and the cumulative impacts on air quality from individual sites in local areas. Planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan."

Conserving and enhancing the historic environment

- "129 Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development

affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal."

- "131 In determining planning applications, local planning authorities should take account of:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - the desirability of new development making a positive contribution to local character and distinctiveness."
- "132 When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be..."
- "134 Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use;"
- "135 The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."
- "140 Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies;"

Business

- "160 Local planning authorities should have a clear understanding of business needs within the economic markets operating in and across their area. To achieve this, they should:
- work together with county and neighbouring authorities and with Local Enterprise Partnerships to prepare and maintain a robust evidence base to understand both existing business needs and likely changes in the market; and
 - work closely with the business community to understand their changing needs and identify and address barriers to investment, including a lack of housing, infrastructure or viability."
- "161 Local planning authorities should use this evidence base to assess:
- the needs for land or floorspace for economic development, including both the quantitative and qualitative needs for all foreseeable types of economic activity over the plan period, including for retail and leisure development;
 - the existing and future supply of land available for economic development and its sufficiency and suitability to meet the identified needs..."

Ensuring viability and delivery

"173 Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable."

Planning conditions and obligations

"203 Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition."

"204 Planning obligations should only be sought where they meet all of the following tests:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development."

MEMBERS ARE ADVISED THAT OTHER PARAGRAPHS IN THE NPPF MAY BE RELEVANT TO A PARTICULAR PLANNING APPLICATION AND THESE WOULD BE REFERRED TO IN THE OFFICER REPORT IN THE MAIN AGENDA AS AND WHEN NECESSARY.

NORTH WEST LEICESTERSHIRE LOCAL PLAN

STRATEGY

Policy S1 - Overall Strategy

Policy S1 sets out the overall strategy of the Local Plan.

Policy S2 - Limits to Development

Policy S2 of the Local Plan provides that development will be permitted on allocated sites and other land within the Limits to Development, identified on the Proposals Map, where it complies with the policies of the Local Plan.

Policy S3 - Countryside

Policy S3 sets out the circumstances in which development will be permitted outside Limits to Development.

ENVIRONMENT

Policy E1 – Sensitive Areas

Policy E1 seeks to prevent development within the Sensitive Areas, which would adversely affect or diminish the present open character of such areas.

Policy E2 - Landscaped Amenity Open Space

Policy E2 seeks to ensure that development provides for satisfactory landscaped amenity open space and secures the retention of important natural features, such as trees.

Policy E3 – Residential Amenities

Policy E3 seeks to prevent development which would be significantly detrimental to the amenities enjoyed by the occupiers of nearby dwellings, and presumes against residential development where the amenities of future occupiers would be adversely affected by the effects of existing nearby uses.

Policy E4 - Design

Policy E4 seeks to achieve good design in new development that respects the character of its surroundings.

Policy E6 – Comprehensive Development

Policy E6 seeks to prevent development where it would prejudice the comprehensive development and proper planning of a larger area of land of which the site concerned forms part.

Policy E7 - Landscaping

Policy E7 seeks to provide appropriate landscaping in association with new development including, where appropriate, retention of existing features such as trees or hedgerows

Policy E8 – Crime Prevention

Policy E8 requires that, where appropriate, development incorporates crime prevention measures.

Policy E9 - Mobility

Policy E9 seeks to provide for access to new developments by all persons with restricted mobility, including those with impaired vision.

Policy E17 – Historic Byways

Policy E17 seeks to prevent development which would significantly diminish the contribution, setting or amenity value of a historic byway.

Policy E20 – Green Wedge

Policy E20 seeks to prevent development that would adversely affect or diminish the present open and undeveloped character of the Green Wedge.

Policy E21 – Separation of Settlements

Policy E21 presumes against development which would result in a reduction in the physical separation between the built-up areas of adjoining settlements as identified on the Proposals Map.

Policy E22 – Areas of Particularly Attractive Countryside

Policy E22 seeks to prevent development which would adversely affect Areas of Particularly Attractive Countryside.

Policy E24 – Re-use and Adaptation of Rural Buildings

Policy E24 sets out the circumstances under which existing buildings outside Limits to Development can be converted to a residential use

Policy E26 - Sites of County or District Ecological or Geological Interest

Policy E26 states that development will not be permitted which could adversely affect sites of County and District ecological or geological interest, or Local Nature Reserves.

Policy E30 - Floodplains

Policy E30 seeks to prevent development which would increase the risk of flooding and remove the extra discharge capacity from the floodplain of the River Trent.

Policy E36 – Derelict Land

Policy E36 sets out the general approach to proposals for the reclamation and re-use of derelict land.

Policy E37 – Derelict Sites

Policy E37 sets out potential individual reclamation uses for stated derelict sites.

NATIONAL FOREST**Policy F1 – General Policy**

Policy F1 seeks appropriate provision for landscaping and tree planting in association with development in the National Forest, and requires built development to demonstrate a high quality of design, to reflect its Forest setting.

Policy F2 – Tree Planting

Policy F2 states that the Council will have regard to the existing landscape character of the site and the type of development when seeking new planting.

Policy F3 – Landscaping and Planting

Policy F3 seeks to secure implementation of agreed landscaping and planting schemes for new development by the imposition of planning conditions and/or the negotiation of a planning agreement.

Policy F5 – Forest Related Development

Policy F5 sets out the circumstances under which new development is permitted in the National Forest.

TRANSPORT**Policy T2 – Road Improvements**

Policy T2 seeks to protect strategic road scheme sites.

Policy T3 – Highway Standards

Policy T3 requires development to make adequate provision for vehicular access, circulation and servicing arrangements.

Policy T4 – Road Related Services – Commitments

Provides for services on land East of Finger Farm on the A453 and at land adjoining Flagstaff Interchange, A42, Ashby de la Zouch.

Policy T5 – Road Related Services at A50/B6540 Junction

Policy T5 provides for the provision of one off-line road related service facility at the junction of the B6540 and A50.

Policy T8 - Parking

Policy T8 requires that parking provision in new developments be kept to the necessary minimum, having regard to a number of criteria.

Policy T10 – Public Transport

Policy T10 requires development to make provision for effective public transport operation.

Policy T13 – Cycle Parking

Policy T13 requires adequate provision for cycle parking.

Policy T14 – Former Transport Routes

Policy T14 presumes against development which would be likely to impair the continuity of disused railway lines, which have potential for re-use as transport corridors, including pedestrian footpaths, bridleways and cycle routes and informal recreation corridors.

Policy T15 – Moira-Measham Trail

Policy T15 seeks to protect the route of the Moira-Measham trail.

Policy T16 – Ashby Canal

Policy T16 presumes against development which would prejudice the re-opening of Ashby Canal. It also provides that, in the event of the canal being reopened, development outside Limits to Development will only be permitted where it is strictly ancillary to the use of the canal as a navigable waterway.

Policy T17 – Ashby Canal

Policy T17 provides for the reconstruction of the Ashby Canal between Snarestone and Swains Park subject to various criteria.

Policy T18 – Airport Limits of East Midlands Airport

Policy T18 sets out the criteria for dealing with applications for airport operational development within the airport limits of East Midlands Airport as defined on the proposals map.

Policy T19 – East Midlands Airport – Public Safety Zones

Policy T19 sets out the criteria for determining applications for development within Public Safety Zones in the vicinity of East Midlands Airport.

Policy T20 – East Midlands Airport – Airport Safeguarding

Policy T20 seeks to prevent development that would adversely affect the operational integrity or safety of East Midlands Airport.

HOUSING**Policy H4 and subsequent Proposals H4(a) to H4(p) inclusive – Housing Allocations**

Policy H4 and subsequent policies set out above set out the housing allocation sites for the plan period.

Policy H4/1 – Housing Land Release

Policy H4/1 sets out a sequential approach to the release of land for residential development, and seeks to direct new housing towards previously developed land in accessible locations, well served by, amongst others, public transport and services.

Policy H6 – Housing Density

Policy H6 seeks to permit housing development which is of a type and design to achieve as high a net density as possible, taking into account housing mix, accessibility to centres, design etc

Within Coalville and Ashby-de-la-Zouch town centres, local centres and other locations well served by public transport and accessible to services a minimum of 40 dwellings per ha will be sought and a minimum of 30 dwellings per ha elsewhere (in respect of sites of 0.3 ha or above).

Policy H7 – Housing Design

Policy H7 seeks good quality design in all new housing development.

Policy H8 – Affordable Housing

Policy H8 provides that, where there is a demonstrable need for affordable housing, the District Council will seek the provision of an element of affordable housing as part of any development proposal.

Policy H10 – Agricultural and Forestry Workers Accommodation

Policy H10 sets out the circumstances in which an agricultural occupancy condition will be permitted. The proposal should demonstrate that the dwelling is no longer needed to serve the relative use, and that every possible effort has been made to dispose of the property at a price which reflects the existence of the occupancy condition and for an adequate period of time.

Policy H11 – Replacement Dwellings

Policy H11 provides that applications for replacement dwellings outside the Limits to Development will be considered in terms of the countryside policies of this Local Plan. Where the Planning Authority is satisfied that there is special justification development of a replacement dwelling may be permitted subject to certain criteria.

Policy H12 – Exceptional Affordable Housing Sites

Policy H12 sets out the circumstances in which affordable housing sites outside the Limits to Development will be permitted, and will only be permitted as an exception where the following criteria are fulfilled:

- (a) An up to date survey demonstrates that a genuine local housing need, which would not otherwise be met, exists in the village or particular locality;
- (b) A secure arrangement will be required to ensure that the benefits of affordable housing will be enjoyed by subsequent occupiers as well as initial occupiers. Such an arrangement will normally require:
 - (i) An appropriate managing institution, such as a housing association or charitable trust, to be in place, with an agreed letting/occupancy policy which ensures that the dwellings will only be made available as affordable housing to local people in need, who cannot be housed by other means; and
 - (ii) A legal agreement between the applicant/landowner/potential developer and management institution and the Planning Authority to ensure that the proposed dwellings are made available at a price or rent those in need can afford and will remain available as affordable housing to all subsequent as well as initial occupiers;

In addition to the above, Policy H12 requires that the development of any exceptional affordable housing site must:

- (i) Be well related to the built form and overall structure of an existing settlement and not adversely affect its present character;
- (ii) Adjoin the Limits to Development, identified on the Proposals Map;
- (iii) Not result in ribbon or detached development, or be prejudicial to the protection from development of any intervening or other land outside Limits to Development;
- (iv) Not be on land designated as a sensitive open area or any other area afforded special protection in this Local Plan or be in a position where it would detract from the appearance and general character of countryside worthy of protection for its own sake;
- (v) Be of a design and in materials of construction, which reflect the traditional rural character of the village concerned; and
- (vi) Comply with general environment and traffic policies and requirements of the Local Plan.

Policy H13 – Mobile Homes

Policy H13 sets out the criteria for assessing proposals for mobile home development.

EMPLOYMENT

Policy J3 – Employment Land Allocations

Policy J3 sets out sites for employment allocations within the Local Plan at the following sites, for which individual sub policies apply:

- (a) Swainspark, Occupation Road, Albert Village;
- (b) Smisby Road, Ashby de la Zouch;
- (c) Extension to Hilltop Industrial Estate, Bardon
- (d) South of Coalville Brickworks;
- (e) Former Ellistown Colliery;
- (f) South of Trent Lane, Castle Donington;
- (g) Extension to Westminster Estate, Measham; and,
- (h) Former Walton Way Drift Mine, Oakthorpe.

Policy J4 – High Quality Employment Site at Finger Farm

Policy J4 sets out appropriate employment uses for development at the Finger Farm site.

Policy J5 – High Quality Employment Site at Flagstaff Interchange, Ashby

Policy J5 provides for appropriate employment uses at the Flagstaff Interchange site.

Policy J8 – Redevelopment of the ADT Car Auctions site, Measham

Policy J8 sets out the criteria to be met in relation to proposals for the redevelopment of the car auctions site for employment purposes.

Policy J14 – Expansion of Existing Firms

Policy J14 sets out the criteria to be taken into account in the determination of applications for the expansion of existing firms.

CENTRAL AREAS AND RETAILING

Policy R1 – Central Areas Shopping

Policy R1 provides that shopping and related development (such as financial and professional services and food and drink uses) will be permitted within Coalville and Ashby de la Zouch Town Centres, on allocated sites, and in existing or proposed local shopping areas. New retail development outside these areas will only be permitted where it can be shown that a number of criteria would be satisfied.

Policy R2 – Belvoir Shopping Centre

Policy R2 provides that expansion of the centre which facilitates the continuing refurbishment and upgrading of the centre and its surrounding area will be permitted, subject to environmental and traffic considerations.

Policy R4 – Acceptable Uses in Town Centre Core Areas

Policy R4 provides that only specific uses will be permitted on ground floor frontages within the Core Areas of Coalville and Ashby de la Zouch Town Centres and that all ground floor frontage development permitted within a core shopping area should include a shop window display frontage and maintain an appropriate window display.

Policy R5 – Financial and Professional Services in Core Areas

Policy R5 requires that Class A2 uses will not be permitted where they would exceed 10 per cent of the total frontage, or form a run of more than three shop window units at the following locations:

- (a) The Belvoir Pedestrianised Shopping Centre;
- (b) Numbers 13 to 85 and 6 to 96 Market Street, Ashby de la Zouch;
- (c) Bath Street Corner, Ashby de la Zouch

Policy R6 – Window display frontages

Policy R6 sets out that no new shop window display frontages be permitted on the north side of North Street and along South Street, Ashby de la Zouch.

Policy R7 – Other Retail Uses

Policy R7 sets out uses which will not be permitted within Coalville and Ashby de la Zouch Town Centre core areas

Policy R8 – Potential Redevelopment Areas

Policy R8 provides that redevelopment for shopping and related purposes will be permitted on those sites identified as such within Coalville and Ashby-de-la-Zouch Town Centres, subject to environmental and traffic considerations. The Policy requires that redevelopment of these sites must be comprehensive in design and well-related to the form and functioning of adjoining parts of the shopping area. Piecemeal redevelopment which would be prejudicial to the objectives of this policy will not be permitted.

Policy R9 – Pedestrian Facilities

Policy R9 sets out the key areas for improvements to pedestrian facilities, environment and priority.

Policy R10 – Bridge Road Link

Policy R10 seeks to protect the land required for the construction of a road link between Bridge Road and London Road, Coalville.

Policy R11 – Outer Area of Coalville Town Centre

Policy R11 provides that, in addition to the uses set out in Policy R4, only uses within Use Classes D1 and D2 will be permitted to ground floor frontages within the outer part of the Coalville Town Centre Shopping Area, and that shop window displays will be required where appropriate.

Policy R12 – Town Centre Services

Policy R12 provides that uses within Classes A2, C2, B1(a) and D1, as well as community or other uses of a similar character, will be permitted within Town Centre Services Areas, subject to compliance with a number of criteria.

Policy R13 – Town Centre Services

Policy R13 sets out appropriate uses for service areas fronting on to the east side of Whitwick Road, Coalville and Bath Street/Station Road, Ashby de la Zouch.

Policy R14 – Town Centre Services

Policy R14 sets out appropriate uses for service areas fronting on to the west side of Whitwick Road, Coalville.

Policy R15 - Town Centre Services

Policy R15 provides that the following uses will be permitted within the Town Centre Services Area fronting onto Wolsey Road, Coalville:

- (a) Business use (Class B1);

- (b) Retail uses falling outside the definition of 'shop' (Class A1); and
- (c) Assembly and leisure uses (Class D2)

Policy R16 – Use of Upper Floors

Policy R16 provides that, within the Coalville and Ashby de la Zouch Shopping Areas and other local and village centres, only the use of upper floors for a number of specified purposes will be permitted, subject to parking and amenity considerations. It also provides that, where the proposals will not cause a problem in the locality, the requirement to provide car parking spaces to serve small schemes for the creation of flats over existing shops in such areas may be waived in cases where private car parking cannot be reasonably provided on site or in the locality where certain criteria can be met.

Policy R19 – Acceptable Uses in Local Centres

Policy R19 provides that, in addition to local shops, only certain ground floor frontage uses (listed under the policy) will be permitted within existing and proposed local shopping centres, subject to environmental and traffic considerations, and other criteria relating to vitality and viability.

Policy R20 – Individual Shops

Policy R20 sets out the circumstances in which the development of individual local shops will be permitted away from existing or proposed shopping areas.

Policy R21 – Village Shops

Policy R21 states that the conversion of individual village shops to residential use will not be permitted unless it can be demonstrated that every effort has been made to secure a continued shopping or other suitable business use at the premises, or that the conversion would be subordinate to the main shopping or other business use.

LEISURE AND TOURISM

Policy L2 – Informal Recreation Facilities

Policy L2 provides that in cases where it can be demonstrated that a rural location is necessary, and subject to Policy L3 below, planning permission will be granted for informal recreation facilities, and land extensive recreational uses whether formal or informal, on the fringes of built up areas and elsewhere outside the defined Limits to Development.

Policy L3 – Built Development on Recreational Sites Outside Limits to Development

Policy L3 sets out the criteria for determining applications for development on recreational sites outside Limits to Development.

Policy L5 – Tourist Accommodation

Policy L5 sets out that the development of tourist accommodation will be permitted where the proposal:-

- (a) Is appropriate in scale and location to the local environment; and
- (b) Would not result in an unacceptable level of traffic generation, to the detriment of the local or wider highway networks or nearby settlements.

Policy L6 - New Rural Recreational Facilities to Relieve Charnwood Forest

Policy L6 sets out the criteria for proposals of large, new rural recreational facilities in the Ashby Woulds and Measham areas which would relieve pressure on the Charnwood Forest.

Policy L7 – Land adjoining Hermitage Leisure Centre

Policy L7 sets out the requirements for recreation use proposals to complement the existing facilities at the Hermitage complex.

Policy L8 – Snibston Colliery

Policy L8 provides that only development directly related to the purposes of an industrial heritage museum and its associated leisure activities will be permitted on the site of the former Snibston Colliery (and provided it does not have an adverse impact on the Local Nature Reserve within the museum complex).

Policy L9 – Land North of Snibston Heritage Museum

Policy L9 sets out a range of uses complimentary to the Snibston Discovery Park museum site acceptable on the land to the north of the museum, and fronting onto Ashby Road.

Policy L10 – Former Measham Railway Station

Policy L10 sets out the criteria for the development of recreation and tourism facilities at the site.

Policy L11 – Moira Furnace

Policy L11 sets out the criteria for the development of recreation and tourism facilities at the site.

Policy L12 – Sawley Marina

Policy L12 sets out the criteria for recreation and tourism development proposals on land to the south of Sawley Marina.

Policy L13 – Swannington Incline

Policy L13 provides for the restoration of the former Swannington railway incline and ancillary facilities including an open air museum.

Policy L20 – Donington Park Racing Circuit

Policy L20 sets out criteria for assessing uses which may be acceptable within the confines of the racetrack whilst protecting the character and appearance of the surrounding area.

Policy L21 - Children's Play Areas

Policy L21 sets out the circumstances in which schemes for residential development will be required to incorporate children's play areas. Further guidance is contained within the Council's Play Area Design Guidance Note Supplementary Planning Guidance.

Policy L22 - Formal Recreation Provision

Policy L22 provides that major new development will only be permitted where adequate provision is made for open space for formal recreation use.

MINERALS**Policy M2 – Redevelopment Potential**

Policy M2 sets out criteria for redevelopment proposals for brick and pipe manufacturing works at Ibstock, Ellistown, Redbank (Measham) and Hepworths Albion (Woodville).

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Material Planning Considerations

When a decision is made on a planning application, only certain issues are taken into account; these are often referred to as 'material planning considerations'.

MATERIAL PLANNING CONSIDERATIONS:

Issues that may be relevant to the decision

(There may exist further material planning considerations not included here)

- Local, strategic, national **planning policies** and policies in the Development Plan
- Emerging new plans which have already been through at least one stage of public consultation
- **Pre-application planning consultation** carried out by, or on behalf of, the applicant
- **Government and Planning Inspectorate requirements** - circulars, orders, statutory instruments, guidance and advice
- **Previous appeal decisions** and planning Inquiry reports
- Principles of **Case Law** held through the Courts
- **Loss of sunlight** (based on Building Research Establishment guidance)
- **Overshadowing/loss of outlook** to the detriment of residential amenity (though not loss of view as such)
- Overlooking and **loss of privacy**
- **Highway issues:** traffic generation, vehicular access, highway safety
- **Noise or disturbance** resulting from use, including proposed hours of operation
- **Smells and fumes**
- Capacity of **physical infrastructure**, e.g. in the public drainage or water systems
- Deficiencies in **social facilities**, e.g. spaces in schools
- Storage & handling of **hazardous materials** and development of **contaminated land**
- Loss or effect on **trees**
- Adverse impact on **nature conservation** interests & biodiversity opportunities
- Effect on listed buildings and conservation areas
- **Incompatible or unacceptable uses**
- Local **financial considerations** offered as a contribution or grant
- **Layout and density of building** design, visual appearance and finishing materials
- Inadequate or inappropriate **landscaping** or means of enclosure

The weight attached to material considerations in reaching a decision is a matter of judgement for the decision-taker however the decision-taker is required to demonstrate that in reaching that decision that they have considered all relevant matters.

Generally greater weight is attached to issues raised which are supported by evidence rather than solely by assertion.

If an identified problem can be dealt with by means of a suitable condition then the Local Planning Authority is required to consider this rather than by issuing a refusal.

NON-MATERIAL PLANNING CONSIDERATIONS:

Issues that are not relevant to the decision:

(There exist further non-material planning considerations not included in this list)

- **Matters controlled under building regulations** or other non-planning legislation e.g. structural stability, drainage details, fire precautions, matters covered by licences etc.
- **Private issues between neighbours** e.g. land/boundary disputes, damage to property, private rights of access, covenants, ancient and other rights to light etc.
- **Problems arising from the construction period** of any works, e.g. noise, dust, construction vehicles, hours of working (covered by Control of Pollution Acts).
- Opposition to the **principle of development** when this has been settled by an outline planning permission or appeal
- **Applicant's personal circumstances** (unless exceptionally and clearly relevant, e.g. provision of facilities for someone with a physical disability)
- **Previously made objections/representations** regarding another site or application
- **Factual misrepresentation of the proposal**
- Opposition to **business competition**
- **Loss of property value**
- **Loss of view**

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